**From:** Anthony Amadee <amadee57@comcast.net>
**Sent:** Tuesday, June 24, 2025 2:50 PM
**To:** Barbara Kincaid
**Subject:** Re: LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

On 06/23/2025 8:12 PM PDT Anthony Amadee <amadee57@comcast.net> wrote:

Dear Hearing Examiner,

As a very concerned DuPont resident of over twenty years, I demand that these procedural violations be addressed before ANY decision is made.

EGREGIOUS ENVIRONMENTAL LAW VIOLATIONS AT FRIDAY'S CALPORTLAND MINE EXPANSION PROPOSAL

The City changed environmental impact findings from "significant impacts" to "minor impacts" the morning of or the night before CalPortland's mine hearing without revealing the changes to the public until the CalPortland lawyer referenced it at the end of the hearing—breaking Washington State environmental law.

The CalPortland mine hearing revealed VIOLATIONS OF STATE LAW that threaten our environmental protections:

• Bait & Switch on Environmental Damage (VIOLATES RCW 43.21C.030): City staff found "significant unavoidable adverse impacts" to our wetlands and Sequalitchew Creek, but CalPortland's lawyer revealed the city quietly changed this to "minor impacts" in an undisclosed document the night before or the morning of the hearing—ILLEGAL under Washington State Environmental Policy

. Expert Contradictions Under Oath (VIOLATES WAC 197-11-560): The city's own water consultant testified he "can't comment" on legal requirements he helped evaluate, while other experts contradicted the official environmental findings they wrote—ILLEGAL under state regulations establishing Final EIS as binding.

Why This Matters: These aren't just "procedural concerns"—they are VIOLATIONS OF WASHINGTON STATE LAW

SOURCES: 📋 RCW 43.21C.030: https://app.leg.wa.gov/rcw/default.aspx?cite=43.21C.030 📋

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📋 Citizens for Mount Vernon v. Mount Vernon: Washington courts require proper SEPA process for environmental changes

🎥 Hearing Video Evidence: https://www.youtube.com/watch?v=CbvmCWk_N14&t=393s

🎥 Additional Hearing Evidence:https://www.youtube.com/watch?v=CbvmCWk_N14&t=2185s#DuPont

Sincerely,
Anthony Amadee

Sent from my iPhone

**From:** redwood.spouts.8w@icloud.com
**Sent:** Tuesday, June 24, 2025 10:26 AM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

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>
> Sincerely,
> Anthony D.  Amadee
3183 Brown Loop
DuPont, WA 98327
>

**From:** Anthony Amadee <amadee57@comcast.net>
**Sent:** Monday, June 23, 2025 8:12 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

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Sincerely,
Anthony Amadee

Sent from my iPhone

**From:** Simone Amadee <simone45@comcast.net>
**Sent:** Friday, June 27, 2025 12:21 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE CalPortland Mine Expansion

Ms. Kincaid,

I write to you again, as a very concerned citizen of over 20 yrs in light of the newest developments at the June 20th hearing's shocking revelations and the **Bait-and-Switch Bombshell** - where the city tried to revise environmental conclusions at the 11th hour without public notice.

I demand accountability and dismissal of CalPortland's application! Over 700 + individuals oppose, yet the City, through shady & illegal measures, is basically endorsing this horrific expansion!

At the **very start of the public hearing**, the City quietly submitted an *errata sheet* into the record. They didn't explain all that was in it. They didn't say that major environmental impacts had been downgraded from **"significant and unavoidable"** to **"minor."** No summary, no context, no notice to the public.

Most people in the room—including those testifying—had no idea it had been introduced.

Then, **late in the final half hour of the hearing**, after many residents and workers had already left without the chance to speak, **CalPortland's attorneys stood up and used the errata sheet to justify the project.** They stated it had been added "last night or early this morning":

This happened **after the public comment period had closed**. After hundreds of citizens submitted their comments in good faith—based on the original environmental findings. **The Final EIS and Staff Report were clear.**

The proposed mine expansion would cause **significant, unavoidable damage** to off-site wetlands and surface waters—specifically:

- Wetland 1D
- Pond Lake
- Wetlands #8, #9, #10, and #11
- Old Fort Lake
- Edmond Marsh

According to the Final EIS, groundwater drawdown from mining would lower water levels in these areas by **up to 3.04 feet**. At **Edmond Marsh**, on the west end, the drop would be even more severe: **up to 8 feet.**

These impacts were precisely calculated by scientists. They were modeled, documented, and made plain.

*"These impacts would likely not be mitigated."* — Final EIS

*"No mitigation is provided for the significant unavoidable impacts to the surface water bodies located to the south of Sequalitchew Creek."* — Staff Report

**Up to 8 feet of water loss in a protected wetland. Up to 3 feet in multiple others.** And no plan to prevent it.

These aren't lines on a map. These are living systems—wetlands that store water, support wildlife, and hold ecological memory.

The errata sheet tried to undo that truth—*quietly at the beginning,* then *strategically at the end,* when the room had emptied and the record could no longer be challenged.

The motion outlines why this tactic violates:

- **RCW 43.21C.030** – Washington's SEPA law, which requires full disclosure and fair process
- **WAC 197-11-560 and 600** – which prohibit last-minute revisions to environmental conclusions without public review
- **The 14th Amendment** – which protects the public's right to meaningfully participate in decisions that affect their land, water, and community.

I strongly urge you to recommend disapproval of the mine expansion and dismiss CalPortland's application!

Sincerely,

Simone Amadee
3183 Brown Loop
DuPont

Sent from my iPhone

**From:** Simone Amadee <simone45@comcast.net>
**Sent:** Monday, June 23, 2025 7:55 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

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Sincerely,
Simone Amadee

Sent from my iPhone

**From:** Phil Ambrose <philipm.ambrose@gmail.com>
**Sent:** Wednesday, June 25, 2025 4:13 PM
**To:** Barbara Kincaid
**Subject:** Pioneer Aggregates South Parcel Mine Expansion Project

Dear Director Kincaid,

Please ensure my email is entered into the Public Record for the Hearing Examiner associated with the subject project.

You will and should have personal regret if you decide to support this expansion when the impacts clearly described below and in the Final EIS are undoubtedly realized. You have an opportunity to avoid the future personal shame and embarrassment that affects so many decision makers who only think in the short term. In this case, short term benefits for a corporation with little or no plan to mitigate or avoid long term risk to our citizens and environment. If you decide to support this expansion project, I hope you struggle with answering questions from family and friends later as to why you allowed something like this project to happen, whether you are a resident of DuPont or not.

Instead of struggling with regret for a decision for the rest of your days, I implore you to reject this expansion project with a clean conscience.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont's Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salinization of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assault on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer—particularly June through August—are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning beginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative

climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing $CO_2$ from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities WILL still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entirety.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island effects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly $PM_{10}$ and $PM_{2.5}$, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an affront to the residents of Dupont and our entire region. Reject this proposal.

This is your decision. Choose wisely. Think about how you will explain your decision to others later, to future generations.

Please enter these comments into the record. Thank you,

--
---
Regards,

**Phil M. Ambrose**
1849 McDonald Ave, DuPont, WA 98327
Cell: 253.298.2156

**From:** Sean Arent <seanarent5@gmail.com>
**Sent:** Tuesday, June 24, 2025 4:25 PM
**To:** Barbara Kincaid
**Subject:** Motion to Dismiss

Barb,

Please forward the following to the hearing Examiner regarding the Calportland gravel mine expansion.

I am in agreement with Judy Norris's motion to dismiss.

The hearing record contains an irreconcilable contradiction about fundamental environmental determinations that no lawful decision can resolve:

Official Environmental Finding (Final EIS & Staff Report): "significant unavoidable adverse impacts"

Undisclosed Errata Sheet: "minor impacts" (introduced evening before or morning of hearing)

Legal Authority Violated: RCW 43.21C.030; WAC 197-11-600; WAC 197-11-560(1)

A. Unauthorized Environmental Document Revisiond

The Core Legal Violation: CalPortland's lawyer said city staff revised Final Environmental Impact Statement conclusions from "significant unavoidable adverse impacts" to "minor impacts" via an undisclosed errata sheet submitted the evening before or the morning of the hearing, without SEPA-required public process.

This change, which I also observed during the hearing, makes it legally impossible to rule on the proposal under state law. The change is also inaccurate, we know that the impacts of the proposal are not minor, they are significant and unmitigated.

Signed,
Sean Arent
President, Clover Creek Restoration Alliance

**From:** Gloria Ariosa <gloariosa@hotmail.com>
**Sent:** Friday, June 27, 2025 4:11 PM
**To:** Barbara Kincaid
**Subject:** Sequalitchew Area Mining Expansion

Good Afternoon,

I would like to reiterate that I am against the mine expansion into the Sequalichew area. I believe it will cause irreparable harm to the ecosystem and aquifer. Please stop this expansion.

Regards,

Gloria Ariosa
2525 Arnold St
DuPont WA 98326

**From:** Comcast <jkavery99@comcast.net>
**Sent:** Tuesday, June 24, 2025 10:13 PM
**To:** Barbara Kincaid
**Subject:** Letter for Hearing Examiner Regarding SEPA violations CalPortland Mine Expansion DuPont WA

To Hearing Examiner,

DO NOT MOVE FORWARD WITH THIS EXPANSION!

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The City changed environmental impact findings from "significant impacts" to "minor impacts" the morning of or the night before CalPortland's mine hearing without revealing the changes to the public until the CalPortland lawyer referenced it at the end of the hearing—breaking Washington State environmental law. Email by 5pm Wednesday!

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Sincerely,

John and Karen Avery
2964 Martin Place
DuPont WA 98327
253-964-2638

Sent from my iPhone

**From:** sara valantine <swingkid45@yahoo.com>
**Sent:** Friday, June 20, 2025 10:20 AM
**To:** Barbara Kincaid
**Subject:** Dupont Gravel

Good morning,
I am a Tacoma resident and I am against the expansion of the gravel mine. WA is already suffering from climate change with more wildfires, heatwaves that affect salmon spawning, and the spread of bark beetles. As a parent of two elementary students I believe we need to be putting our children's future first and not profits. This project would harm the riparian habitat and affect salmon runs.

Thank you,

Sara Bailly
253-279-2327

**From:** ROBIN BARROW <barpow1@msn.com>
**Sent:** Friday, June 27, 2025 8:11 AM
**To:** Barbara Kincaid
**Subject:** Copy of the Erratas sheet

Good morning Barb,
After listening to the hearing last week I understand there is an Erratas sheet that was referred to by the lawyer for Glacier NW. I would like to get a copy of that. Please advise me on how I can obtain it.
Thank you,
Robin Barrow

Get Outlook for Android

**From:** ROBIN BARROW <barpow1@msn.com>
**Sent:** Tuesday, June 24, 2025 10:56 AM
**To:** Barbara Kincaid
**Subject:** Letter for Hearing Examiner
**Attachments:** Letter2 Hearing Examiner June 24.docx

Dear Barb,
attached is a follow-up letter for the Hearing Examiner.
Thank you
Robin Barrow

To The Hearing Examiner June 24,2025

RE: The Pioneer Aggregates South Parcel Mine Expansion

Dear Sir,

I would like to refer to my previous letter dated June 16, 2025. I want to express my concern about the water quality and the plan to create a new wetland. The Final EIS report states that the water quality had not been evaluated within the Kettle wetland. This is a concern because the experiment to recreate the Kettle wetland would require a base to establish the changes that will take place. As I stated before the water quality is based on the surrounding soil and the flow of water into the wetland. The chemical elements of the water are essential in providing or replacing the vegetation that supports the wetland habitat as it is today. As stated in the Final EIS the Kettle wetland is a glacial made wetland. It is my opinion that the replacement wetland cannot be recreated by the applicant. That by using water extracted from the mine operation will permanently change the elements within that water.

Gravel mining operations can lead to water contamination through the introduction of sediment. Heavy metals, and other pollutants. Through the mining process it can increase turbidity, smother habitats, and reduce oxygen levels in the water. This (cloudiness) can disrupt aquatic ecosystems by smothering habitats, and reducing oxygen levels.

In Thurston County, WA, gravel mining has created numerous pit lakes, and there are concerns about the water quality impacting the groundwater. In Crook County, Oregon, residents have raised concerns about potential groundwater contamination from a nearby gravel mine, specifically related to elevated levels of manganese. These are just a couple of examples of water quality concerns surrounding gravel mining.

Lastly, I would like to emphasize that throughout the final EIS there are requirements to monitor all of this process. In my opinion the biologist hired by Pioneer Aggregate will be biased to the company. If this application is approved, I would suggest a government biologist be assigned the task of monitoring all of the process including the water quality and report at a minimum of biannually to the city of DuPont.

Thank you for taking the time to consider my concerns. I appreciate the complicating decisions you are asked to conclude.

Robin Barrow
Resident of DuPont WA.
3102 McAllister St.
206-437-5582

**NISQUALLY INDIAN TRIBE**
**Tribal Historic Preservation Office**
4820 She-Nah-Num Drive S.E.
Olympia, Washington 98513
360.456.5221 (main)
877.768.8886 (toll free)
www.nisqually-nsn.gov

June 25, 2025

To: Barbara Kincaid
Public Services Director
City of DuPont
1700 Civic Drive
DuPont, WA 98327

**Re: Public Comments on Pioneer Aggregates South Parcel Mine Expansion Project: City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021-002 (SEPA)**

Dear Ms. Kincaid:

For the City of DuPont's records and pursuant to the public comment period for the above-referenced Pioneer Aggregates South Parcel Mine Expansion Project, attached for ease of reference is the full hard copy of the following dissertation: Dr. Karen Marie Capuder, Forked Tongues at Sequalitchew: A Critical Indigenist Anthropology of Place in Nisqually Territory (Ph.D. dissertation, University of Washington 2013). This dissertation is being submitted on behalf of the Nisqually Indian Tribe.

Feel free to contact me if you have any additional questions about the Nisqually Indian Tribe's objection to the Pioneer Aggregates South Parcel Mine Expansion Project.

Brad Beach, THPO
Nisqually Indian Tribe
360-456-5221 x 1277
Beach.brad@nisqually-nsn.gov

Cc: Nate Cushman, Attorney, Nisqually Indian Tribe
Maia Bellon, Attorney, Cascadia Law Group
Steve Parkinson, Attorney, Cascadia Law Group
Louis Russel, Attorney, Cascadia Law Group

# Forked Tongues at Sequalitchew:
# A Critical Indigenist Anthropology of Place in Nisqually Territory

Karen Marie Capuder

A dissertation
submitted in partial fulfillment of the
requirements of the degree of

Doctor of Philosophy

University of Washington
2013

Reading Committee:
Dr. Devon Peña, Chair
Dr. Stevan Harrell
Dr. Miriam Kahn
Dr. John R. Welch

Program authorized to offer degree:

Department of Anthropology

©2013
Karen Marie Capuder

University of Washington

## Abstract

Ten years ago, Nisqually Hereditary Chief and Elder Leonard Squally asked for my help in protecting the graves of his ancestors within the sentient ancestral village landscape of Sequalitchew and the places within this landscape which have sustained his people since time immemorial. This dissertation is but one aspect of my fulfillment of my responsibilities to him as he enters the closing years of his life.

Forked Tongues at Sequalitchew:
A Critical Indigenist Anthropology of Place in Nisqually Territory

Karen Marie Capuder

Chair of the Supervisory Committee:
Dr. Devon Peña
Department of Anthropology

For my Buttercup.

## Acknowledgements

I offer my deepest gratitude to saləʔuƛ̓kʷ̓ Leonard Squally for sharing these past ten years of his life with me. I offer my love along with the hope that this work is everything that he has hoped it would be. I am so grateful to his family for their love and support over these years, especially to his siblings Lewis Squally, Caroline (Squally) Byrd, Albert (Chief) Squally, and Elizabeth Annie (Squally) Thomas, his nieces Ska-da-wa LouAnn Squally and Laverne Squally, and his nephew Robert Thomas. I also want to offer my deepest thanks and endless love to Nisqually Elders Maryanne (Mounts) Squally and Roy Wells who have treated me as family since my very first days in the community.

This work would not have been possible without the patience, caring, and guidance of my cultural advisor sm3tcoom Delbert Miller of the House of Sla'nay/Skokomish Nation. The wealth of teachings which he and his family have shared with me has sustained me in this work and in my life, and I am forever grateful. I am also deeply grateful to dᶻahdᶻahlahk Cecilia Gobin of the Tulalip Tribes for her guidance, knowledge, and unwavering support.

I also offer my eternal thanks to the chair of my Ph.D. supervisory committee at the University of Washington, Dr. Devon Peña, who has so generously shared his knowledge with me and held me up through every step of this part of my journey. Committee members Dr. Stevan Harrell and Dr. Miriam Kahn have shared their time and knowledge so generously with me, both inside the classroom and beyond. This work, and my completion of my degree, would not have been possible without their support. I am also indebted to committee member Dr. John Welch of Simon Fraser University, whose expertise in cultural resource protection and extensive experience working with Indigenous peoples made him an invaluable part of this work.

I would like to thank all of saləʔuƛ̓kʷ̓ Leonard Squally's family at the House of Sla'nay who have shared so much with me over these past eight or nine years, including the late subiyay Bruce Miller, John Miller, Winona Plant, Kris Miller, Marci Johns-Colson, Mark Johns-Colson, Edwin Pullen, CHiXapkaid Michael Pavel, LaMetta LeClair and her late husband, Poppy Miller, Jackie (Miller) Smith, Walter Lewis, and the rest of saləʔuƛ̓kʷ̓ Leonard Squally's family who love and care for him.

There are so many of my colleagues at the University of Washington who have helped to make this work possible that it is impossible to thank them all. I do want to acknowledge the invaluable support of Dr. Augustine McCaffery, Dr. Charlotte Coté, Dr. Rachel Chapman, Dr. Leslie Caromile, Rochelle Fonoti, Joyce LeCompte-Mastenbrook, Sara Breslow, Olivia Littles, Bonnie Tilland, Ge Jian, Raul Garcia, Coleen Carrigan, Laura Newlon, Cade Cannon, Jessica Lozano, Emily Lynch, Lauren Monsein Rhodes, Tami Blumenfeld, Kenneth Robinson, Dr. Jonathan Tomhave, Miranda Belarde-Lewis, Marisa Duarte and Dr. Cheryl Metoyer.

There are countless individuals who have supported this work in many ways and who have given so much of themselves to me as family, friends, and colleagues. I want to acknowledge the love and support of Sakokwenionkwas Tom Porter, Alice Porter, Ida Mae Powless, Kanastatsi Porter, Iehnhotonkwas Bonnie Jane Maracle, Tami Mitchell, Yetshatenslahawi Tracy Williams, Lah^te Louis Williams, Oshennahawi Helen Jarvis Montour, Bettina Castagno, Shana Siegel, Edward

Howland, Bill and Anna Horning and the entire Kanatsiohareke community. I also want to acknowledge the love and support of my lodge family, including Dr. Karina Walters, Clayton and Annie Arrowtopknot, Carol Warrior, Chad Uran, Damarys Espinoza, Ramona Beltran, Deborah Guererro, Cheryl Franks, Tetana Oguara, Dr. Bonnie Duran, Dr. Cheryl Franks, Dr. Theresa Maresca, Kristi Leora Gansworth and everyone who has ever shared that time with us.

I especially want to thank my dear friends and mentors Robert A. Williams, Jr. at the University of Arizona College of Law, the late Vine Deloria, Jr., Carlton LeCount, Ellen Wohlford, Jason Makaneole, Dr. Kerry Thompson, Gary Bynum, Desirée Martinez, Aaron Naumann, Brian Sullivan, Dr. Eugene Anderson, and Dr. Coll Thrush.

I offer my deepest love and gratitude to my former students, most especially Mary Jane Topash, Andrew Gobin, Emma Noyes, Jessica Aws, and Chaim Eliyah who continue to bring so much to my life; as well to my professors and colleagues from the Evergreen State College, including Dr. Kristina Ackley, Dr. Arlen Speights, Tina Kuckkahn, J.D., Jake LaMere, Liz Egan, Rosina DePoe, and Val Knox; and from the University of Arizona, including Dr. K. Tsianina Lomawaima, Dr. Thom Holm, Dr. Nancy Parezo, Dr. T.J. Ferguson, Dr. Francine Washburn, Dr. Kathleen VanVlack, Dr. Lu White, Amanda Tachine, and Tammie Morago.

I offer my gratitude and love to my family and childhood friends with whom I have been blessed to reconnect and who have given me encouragement and hugs from afar: my cousins Mary Rode and David Rode. Maureen (Regan) Cerati, Tara (Jacobsen) Burke, Theresa Jacobsen, Aaron Rusty Lloyd, Max Handelsman, Leigh Sprimont, Garee Nace, Vanessa Avery, Geri Weitzman

I would like to thank the Graduate Opportunities—Minority Achievement Program (GO-MAP) for their financial and social support throughout my tenure at the University of Washington, including their provision of a Bank of America Minority Graduate Student Fellowhip and Bloom-Bernheim Scholarship. I would like to offer my gratitude to Karen James, the James Family, and the Olson Family for their generosity in supporting my education and research.

This work would not have been possible without the support, love, and patience of my partner, Christopher Bolender, to whom I am profoundly grateful for introducing me to his sqʷaliʔabs/Nisqually family and for supporting this work through every turn. This work would also not have been possible without the support and love of my late mother Janet Anne (Lemay) Berliner and her husband Stuart Berliner. Thank you for never losing faith in me and for being here for me when I re-emerged from my old life. I offer my gratitude and love to my siblings who have taught me so many lessons in this life.

I offer my thanks to Takia’ti:son—to the one who made me, the Creator—for allowing me to experience the beauty of this life each and every day.

If there is anyone who I have failed to acknowledge by name, please know that I so deeply appreciate your love and support and carry you in my heart.

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## List of Acronyms

[ACHP] Advisory Council on Historic Preservation

[ACOE] United States Army Corps of Engineers

[AFSC] American Friends Service Committee

[AHPA] Archaeological and Historic Preservation Act [Moss-Bennett]

[AHS] Archaeological and Historical Services

[AI/AN] American Indian/Alaska Native

[AIM] American Indian Movement

[AIP] Agreement in Principle

[AIRFA] American Indian Religious Freedom Act

[ARCIA] Annual Report of the Commissioner of Indian Affairs

[ARPA] Archaeological Resources Protection Act

[BAE] Bureau of American Ethnology

[BIA] Bureau of Indian Affairs

[BLM] Bureau of Land Management

[BNSF] Burlington Northern and Santa Fe Railway Company

[CAP] Cleanup Action Plan

[CD] Consent Decree

[CEQ] Council on Environmental Quality

[CFR] Code of Federal Regulations

[cfs] cubic feet per second

[CLUP] Comprehensive Land Use Plan

[CMP] Comprehensive Master Plan

[COPCs] Constituents of Potential Concern

[CRC] Cultural Resource Consultants

[CRM] Cultural Resource(s) Management

[DAHP] Washington State Department of Archaeology and Historic Preservation

[DCD] Director of Community Development

[DCE] Documented Categorical Exclusion

[DCP] DuPont Corporate Partners

[DEIS] Draft Environmental Impact Statement

[DIP] DuPont Industrial Partners

[DLC] Donation Land Claim

[DNR] Washington State Department of Natural Resources

[DNT] dinitrotoluene

[DOE] Washington State Department of Ecology

[DOI] United States Department of the Interior

[DOT] United States Department of Transportation

[DRNT] Documents Relating to the Negotiation of Treaties

[DRNTMC] Documents Relating to the Negotiation of the Treaty of December 26th, 1854, with the Nisqualli, Puyallup, and Other Indians

[DSEIS] Draft Supplemental Environmental Impact Statement

[DToxCOP] DuPont Toxics Citizens Oversight Project

[EA] Environmental Assessment

[EIS] Environmental Impact Statement

[EOA] Economic Opportunity Act

[EPA] United States Environmental Protection Agency

[EUs] Evaluation Units

[FEIS] Final Environmental Impact Statement

[FHWA] Federal Highway Administration

[FONSI] Finding of No Significant Impact

[FPA] Forest Practices Application

[FS] Feasibility Study

[FSEIS] Final Supplemental Environmental Impact Statement

[GLO] Government Land Office

[GMA] Growth Management Act

[HB] House Bill

[HBC] Hudson Bay Company

[HRA] Historical Research Associates

[HT] Historical Trauma

[HWA] Huckle/Weinman Associates

[HWS] Hazardous Waste Section

[ICC] Indian Claims Commission

[IP] Indigenous Peoples

[IRA] Indian Reorganization Act

[IWRI] Indigenous Wellness Research Institute

[JBLM] Joint Base Lewis McChord

[LAAS] Larson Anthropological/Archaeological Services

[LUPA] Land Use Petition Act

[MDNS] Mitigated Determination of Non-Significance

[ME] Medical Examiner

[MOA] Memorandum of Agreement

[MOL] Memorandum of Lease

[MOU] Memorandum of Understanding

[MSRC] Municipal Research and Services Center of Washington

[MTCA] Model Toxics Control Act

[NAACP] National Association for the Advancement of Colored People

[NADB] National Archaeological Database

[NAGPRA] Native American Graves Protection and Repatriation Act

[NARA] National Archives and Records Administration

[NDA] Nisqually Delta Association

[NEPA] National Environmental Policy Act

[NIYC] National Indian Youth Council

[NCIO] National Council on Indian Opportunity

[NHPA] National Historic Preservation Act

[NOAA] National Oceanic and Atmospheric Administration

[NPDF] Nisqually Point Defense Fund

[NPRR] Northern Pacific Railroad

[NPS] National Park Service

[NPS/FOVA] National Park Service, Fort Vancouver National Historic Site, Vancouver Historic Reserve

[NNWR] Nisqually National Wildlife Refuge

[NRHP] National Register of Historic Places

[NRP] Natural Resource Partners

[NRTF] Nisqually River Task Force

[NWIFC] Northwest Indian Fisheries Commission

[OAHP] Washington State Office of Archaeology and Historic Preservation [now DAHP]

[OFA] Office of Federal Acknowledgment

[OIA] Office of Indian Affairs

[OTS] Office of Toxic Substances

[PCDPWU, WPD] Pierce County Department of Public Works and Utilities, Water Programs Division.

[PI] Pierce County

[P.L.] Public Law

[PNDF] Point Nisqually Defense Fund

[PSA] Puget Sound Area

[PSAC] Puget Sound Agricultural Company

[PTC] Pioneer Technologies Corporation

[RA] Risk Assessment

[RI] Remedial Investigation

[RCW] Revised Code of Washington

[ROD] Record of Decision

[SAIA] Survival of American Indians Association

[SEIS] Supplement Environmental Impact Statement

[SEPA] State Environmental Policy Act

[SHB] Shoreline Hearings Board

[SHPO] State Historic Preservation Officer

[SMA] Shoreline Management Act

[SMP] Shoreline Master Program

[STI] Steilacoom Tribe of Indians

[TAS] Tacoma Audubon Society

[TCP] Traditional Cultural Property

[THPO] Tribal Historic Preservation Office

[TNT] Tacoma News Tribune

[TPSMU] Tatsolo Point Special Management Unit

[USCC] United States Court of Claims

[USDOE] United States Department of Energy

[USGS] United States Geological Survey

[USFWS] United States Fish and Wildlife Service

[UW] University of Washington

[WARC] Washington Archaeological Research Center

[WEC] Washington Environmental Council

[WDESRO, WRP] Washington Department of Ecology Southwest Regional Office, Water Resources Program

[WDFW] Washington Department of Fish and Wildlife

[WDH] Washington State Department of Health

[WFPA] Washington Forest Protection Association

[WHI] Western Heritage Inc.

[WISAARD] Washington Information System for Architectural and Archaeological Records Data

[WCS] West Shore Corporation

[WSDOT] Washington State Department of Transportation

[WSU] Washington State University

[WRECO] Weyerhaeuser Real Estate Company

[WSDGER] Washington State Division of Geology and Earth Resources

[WSIA] Washington Superintendency of Indian Affairs

[WPP] Western Pocahontas Properties

[y.b.p.] years before the present

## Introduction

It was late in the winter of 2003 that he had me drive him out there for the first time. I will tell you of how we came to this point in a moment but on that day, sqʷaliʔabs/Nisqually[1],[2] Tribal Elder and historical and cultural expert salətˀuṗkʷ Leonard Squally asked me to drive him to the City of DuPont, Washington. It was a toss-up over whose vehicle was less likely to break down on the short drive from the Nisqually Reservation. I remember driving there, and I believe it was his car that I was driving with no license, having just started learning how to drive at age 32. I was apprehensive about taking an Elder and Hereditary Chief on an illegal and slightly dangerous drive, but he wasn't. Although, he jokes to this day about having to "chew on the seat" while I'm driving him places. He didn't tell me why he wanted to drive out to DuPont other than to say, "I wanna show you something." I had been working with him for a few months and we were starting to become close friends. That term really doesn't do our relationship justice, as you will see, but we'll start there.

I believe that we took the Exit 118/Center Drive off-ramp from Interstate 5. I have an infamously horrible sense of direction and I was so nervous driving salətˀuṗkʷ around that twice I turned in the exact opposite direction than the direction he had instructed me to turn. In

[1] Throughought this work, I use txʷəlšucid/Twulshootseed language terms in certain situations according to salətˀuṗkʷ Leonard Squally's direction, notably: for Leonard Squally's name, for the names of peoples such as the Nisqually and Stohobsh, and for place names in my own text. txʷəlšucid/Twulshootseed is the name used by the Puyallup Tribal Language Program to refer to the Indigenous language spoken by the sqʷaliʔabs/Nisqually and Puyallup peoples. It was recommended by salətˀuṗkʷ Leonard Squally's niece, Antonette Squally, that I use this orthography for rendering the Twulshootseed language. However, the Twulshootseed font provided by the Puyallup Tribal Language Program is so visually dissimilar from the other fonts used within this work that it made more sense to salətˀuṗkʷ Leonard Squally and I to use the Lushootseed font provided by the Tulalip Tribes Language Program, because the orthographies for both languages are identical and the Tulalip Tribes' font is more visually compatible. To download the font, please visit The Tulalips Tribes' Language Program Wesbite: http://www.tulaliplushootseed.com/NWIC-103-2009/Lushootseed%20Font%20&%20Keyboard.htm

[2] Upo n the advice of Coast Salish culture bearer sm3tcoom Delbert Miller of the tuwaduq/Skokomish Nation, who served as a cultural advisor to me for this work, I have chosen to provide an English translation of each txʷəlšucid/Twulshootseed word used within the text, each time they are used, for ease of reading. txʷəlšucid/Twulshootseed is the language shared between sqʷaliʔabs/Nisqually and Puyallup peoples, and is a branch of what anthropologists refer to as the Coast Salish language group.

retrospect, he was uncharacteristically patient with my driving that day. After getting off the freeway, we followed Center Drive into the heart of what I would come to learn was Northwest Landing, a planned community built by the Weyerhaeuser Real Estate Company, a subsidiary of the multinational timber corporation established by Frederick Weyerhaeuser at the start of the twentieth century. We drove down immaculate streets with cookie-cutter Weyerhaeuser pressboard houses wrapped with DuPont Company Tyvek insulation; each neighborhood replete with countless American flags and oddly precise landscaping. Muscular t-shirt clad men with "high and tight" military-style haircuts were mowing their miniscule curbside grass-covered parcels which really didn't seem to need mowing. We turned onto one street and he had me pull over across from a small fenced square area.

We had been joking with one another for most of the drive which, as anyone who knows salaṯuṗkʷ Leonard Squally knows, is inevitable. As I pulled over and shut off the car, he was oddly silent; staring out the windshield for a few moments before he said, "Let's get out and walk over there." I pulled the keys out of the ignition and opened the driver's side door with a loud squeal which resounded up the sterile-seeming street. I was about to laugh when suddenly, I was overcome with a tremendous sense of anguish and what seemed to be increased barometric pressure in the air around my body. I burst into tears and looked at my friend of three months and screamed, "What happened here?!? Oh my God! What the hell happened here?!" salaṯuṗkʷ Leonard Squally looked at me with tears in his eyes and asked, "Do you feel it?" Shaking and crying I replied with my own questions, "How could anyone not FEEL it?! What happened here Leonard?! What did they do?!" And he began that day to relate to me the history of the sqʷaliʔabs/Nisqually ancestral village landscape of sčəgʷaliču/Sequalitchew which is at the center of this collaborative work.

Hereditary Chief and Elder salətˀuɬkʷ Leonard Squally is a member of the Nation known today as the Nisqually Tribe. The entity known as the Nisqually Tribe was created in order to facilitate the "negotiation" process of the Medicine Creek Treaty Council through which it is said that numerous disparate but interrelated village groups "ceded" approximately 4,000 square miles of territory in exchange for three miniscule reservations, totaling six square miles, paltry annuity payments, and the "promises" of education and instruction in Euroamerican agricultural techniques. As will be detailed in Chapters 1 and 2 of this work, the "Nisqually Tribe," denoted by the Anglicized version of the name of a single village, is comprised of the descendants of numerous politically independent watershed-based groups of Coast Salish ʔaciɬtalbixʷ/First Peoples.

The term "Coast Salish" is an anthropological/linguistic grouping of peoples whose homelands encompass the Fraser River watershed, the Strait of Georgia, the Strait of Juan de Fuca, and Puget Sound regions of the Pacific Northwest Coast of North America. The sqʷaliʔabs/Nisqually peoples have lived since time immemorial at the southern end of Puget Sound, a vast and deep glacially-carved fjord located in western Washington State. sqʷaliʔabs/Nisqually ancestral territories encompass lands and watersheds from the shores of the Sound eastward, centering on the Nisqually River, through prairies and forested uplands, and inclusive of portions of the eastern and southeastern slopes of təqʷubəʔ/Mount Rainier. The sqʷaliʔabs/Nisqually ancestral village landscape of sčəgʷaliču/Sequalitchew encompasses the easternmost portion of the Nisqually River Delta and is located approximately halfway between the cities of Tacoma and Olympia and is the foundation upon which the town of DuPont has been built. Inclusive of saltwater, shorelands and tidelands, forested uplands, glacial outwash

prairies and a vast interconnected system of delicate, glacially-created wetlands, sčəgʷaliču/Sequalitchew is a landscape of incredible natural wealth.

salətʼuṗkʼ Leonard Squally and I drove several miles to sčəgʷaliču/Sequalitchew that day in 2003 while we would likely have been able to walk there in less time if we could have. However, the illegal condemnation of the eastern two-thirds of the Nisqually Reservation and contiguous sqʷaliʔabs/Nisqually ancestral territories between the reservation and sčəgʷaliču/Sequalitchew by Pierce County in 1916/1917 had made this walk practically impossible. The County had given these stolen lands and waters to the then-Department of War as a gift in the hopes that the federal government would establish a military base in Puget Sound. This theft, and the subsequent establishment of first Camp Lewis, later Fort Lewis, and currently Joint Base Lewis McChord [JBLM], are detailed in later chapters of this work. This was the theft that had first prompted me to arrange to meet salətʼuṗkʼ Leonard Squally with the help of my partner Christopher. Chris had been partially raised on the Nisqually Reservation by men and women who were now Elders. Chris' family, of European ancestry, lived in the reservation border town of Yelm. As a student at the newly-built Southworth Elementary School, Chris had gotten left back after the first year that he was to complete kindergarten. A schoolmate had accidentally hit him in the head with an aluminum bat as they were playing baseball and he wound up missing enough school that they made him repeat his first year.

Chris was so much taller and bigger than most of the children in his class that they shied away from him. He remembers that after the first few days of his second try at kindergarten, his teacher told the children to pick a buddy from class who would be their partner for the rest of the year. Only one child was brave enough to approach Chris. "You're big like me! Let's be buddies!" the boy said. This young man, sqʷaliʔabs/Nisqually Tribal member Robert Wells, Jr.,

was Chris' best friend for many years. Robert's mother, Betty Mae, always asks about her "other son" when I see her, and loves to tell me about how much young Chris would eat when he came over to play. Robert's father, Robert Wells Sr., often had the boys clean out his nets. It was 1976, just after the Supreme Court had declined to review the decision in the landmark treaty-protected Indigenous fishing rights case *U.S. v. Washington*, also known as the *Boldt* decision, discussed in Chapter 6 of this work.

In 1976 I was living in Richmond Hill in New York City's borough of Queens. I had also sustained a head injury the previous year from a young man's front teeth. He had run into me in the unsupervised schoolyard of my first elementary school when I was a kindergartner. I don't believe that I missed much school, but my mother did have me placed in a different school after the accident. My mother passed away just over two years ago and my eyes still fill with tears when I try to write about our lives, together and apart, because there is still so much I want to share with her. She was deeply ashamed of choices she had made in her life; choices which, from my perspective, have everything to do with who she was and where she came from; where *I* come from. Maybe it is because I have taken the time to understand, made it my business to understand, how this "mixed-blood" Kanien'keha:ka/Mohawk woman had wound up in New York City, so far from the reservation border town of Chateaugay where she was largely raised, while the children of her mother's siblings and their children and grandchildren were raised on the reservation at Akwesasne and were enrolled members of the Saint Regis Mohawk Nation, while my mother and her siblings, my half-siblings, our first cousins, and myself were not.

Perhaps it is because I have worked hard to understand what colonization has done to my family, to all of our families, that I have been able to contextualize my mother's choices within that deep history and its attendant devastation of peoples, landscapes, and other beings. Centuries

of genocide, ecocide, dispossession, forced assimilation, Christianization, and out-marriage have had incalculable impacts on Indigenous Peoples, including my own maternal family. These are the legacies of Settler[3] colonialism, wherein "settlers occupy Native land and rewrite its history as their own. They institute political infrastructures that are designed to benefit settlers economically and politically and to subjugate and eliminate indigenous peoples" (Fujikane and Okamura 2008:10). The Settler colonial subjugation of Indigenous peoples has as its primary goal not the extraction of labor but the replacement of our peoples and the exploitation of our homelands and waters. "The logic of this project, a sustained institutional tendency to eliminate the Indigenous population, informs a range of historical practices that might otherwise appear distinct—invasion is a structure not an event" (Wolfe quoted in Fujikane and Okamura 2008:10).

The understanding of invasion as a *structure* rather than an event allows us to more clearly see how:

> [S]ettler colonialism performs genocide alongside a variety of practices that converge on a purposed elimination of Indigenous peoples. While the erasure and replacement of Indigenous peoples may transpire through deadly violence, […] elimination may follow efforts not to destroy but to produce life, as in methods to amalgamate Indigenous peoples, cultures and lands into the body of the settler nation [Morgensen 2011:56].

American Settler colonialism has served, and continues to serve, to sever Indigenous peoples from our sentient ancestral homelands. For many Indigenous peoples, "Place is an interweaving of mind, body, soul, and spirit. Any disassembly of these essential components removes the very core of our being-in-the-world, with resulting material consequences, a process that has been played out for hundreds of years through colonization" (Walters, Beltran, Huh, and Evans-Campbell 2011:171). The deep, familial interconnectedness of Indigenous peoples with our homelands and waters and the entities with whom we share them means that "assaults on the

[3] I capitalize both the term Indigenous and the term Settler as a demarcation of their status as terms denoting political and cultural identities.

land are akin to assault on the body and the people; displacement from land is akin to being stripped from one's family of origin; seizing the land is akin to stealing from a relative and forbidding any Native family members their rights of access to that family member; disrespecting the land and its relatives" (Walters, Beltran, Huh, and Evans-Campbell 2011:182). Dispossession, enclosure, and the forced transformation of land tenure systems, subsistence practices, and ecological responsibilities have had devastating impacts on the physical, emotional, spiritual, and cultural health of Indigenous peoples and the beings with whom we comprise our sentient ancestral homelands—all our relations—through the intergenerational impacts of historical trauma.

It is only within the last few decades that the notions of historical trauma, and historical trauma response, have come to be valuable tools for understanding some of the more deleterious spiritual, emotional, and physical impacts of colonization on individuals, families, and communities. Historical trauma [HT] can be understood as:

> [A]n event or set of events perpetrated on a group of people (including their environment) who share a specific group identity (e.g., nationality, tribal affiliation, ethnicity, religious affiliation) with genocidal or ethnocidal intent[4] (i.e., annihilation or disruption to traditional lifeways, culture, and identity) […] Individually, each event is profoundly traumatic; taken together they constitute a history of sustained cultural disruption and destruction directed at AIAN [American Indian/Alaska Native] tribal communities [Walters, Mohammed, Evans-Campbell, Beltran, Chae, and Duran 2011:181].

These traumas, as has been proposed by Indigenous communities and researchers, have "pernicious effects that persist across generations through a myriad of mechanisms from biological to behavioral" (Walters, Mohammed, Evans-Campbell, Beltran, Chae, and Duran 2011:179). These traumas can become embodied individually and collectively, and the

[4] As will be further discussed, I do not adhere to the view that intentionality is a necessary precondition or constituent of trauma and violence.

intergenerational transmission of these traumas and their effects occur on both interpersonal and societal levels:

> At an interpersonal level, traumatologists speculate that intergenerational transmission can occur directly and indirectly. In the case of direct transmission, children may vicariously experience events via stories heard about the experiences of their parents or grandparents and, consequently, suffer from associated psychological problems […] In the case of indirect transmission, traumatic events may lead to poor parental mental health or poor parenting styles, which, in turn, may increase stress in children […] It seems likely that transmission occurs both directly and indirectly in AIAN [American Indian/Alaska Native] communities [Evans-Campbell 2008:327].

Historical trauma does not only manifest psychologically, but also physically and spiritually. "The net effect of these multiple, intersecting pathways leads to health inequities not only in the life course of an individual, but over generations" (Walters, Mohammed, Evans-Campbell, Beltran, Chae, and Duran 2011:186). For many Indigenous peoples, cumulative historical trauma events are compounded by "high rates of contemporary lifetime trauma and interpersonal violence, as well as high rates of chronic stressors such as microaggressions and daily discriminatory events. Together, these historical and contemporary events undermine AIAN physical, spiritual, and psychological health and well-being in complex and multifaceted ways" (Walters, Mohammed, Evans-Campbell, Beltran, Chae, and Duran 2011:181).

When I was much younger, I too considered myself to be a "mixed-blood Mohawk." Thanks to a half-a-lifetime's worth of learning from Indigenous peoples from many walks of life, Elders and children, academics and traditional spiritual leaders, fisherman and harvesters, ironworkers and lawyers, my understanding of myself has become a bit more complex:

> In providing these details, I am claiming and declaring my genealogy, my ancestry, and my position as researcher and author. The purpose is to locate myself firstly as an Aboriginal person and then as researcher. As a researcher, this clearly presents the assumptions upon which my research is formulated and conducted. This also allows others to locate me and determine the types of relations that might exist [Martin 2003:3].

This is neither the time nor the place for me to get into navel-gazing "blood-quantum" issues. I would, however, note that blood quantum measurements are one of the strategies of elimination through which Settler colonialism enacts Indigenous dispossession and replacement.

> As opposed to enslaved people, whose reproduction augmented their owners' wealth, Indigenous people obstructed settlers' access to land, so their increase was counterproductive. In this way, the restrictive racial classification of Indians straightforwardly furthered the logic of elimination. Thus we cannot simply say that settler colonialism or genocide have been targeted at particular races, since a race cannot be taken as given. It is made in the targeting [Wolfe 2006:387-388].

While I identify as Kanien'keha:ka/Mohawk, I feel that it is also important to acknowledge my own mixed ancestry and light skin privilege:

> Many native people, particularly those denied status by the government, have had little alternative to assimilation. Given the way that native culture has been constructed as static and pre-historical, it becomes difficult even for native people themselves to imagine a present-day indigeneiety, let alone an urban one. For people with white [or light] skin privilege, such as myself, the choice to identify as a racialized minority challenges white supremacy. At the same time, having the ability to make such a choice is itself an effect of white privilege [Robinson 2010:5-6].

Suffice it to say that the path between seeing myself as a "mixed-blood Mohawk" to how I see myself today, as a person in the midst of reconnecting with the living teachings of her Kanien'keha:ka/Mohawk ancestors, was a dark one at times.

I met my partner Christopher as I was beginning to emerge from that darkness. As we came to know one another, he shared stories with me of the time he spent at Nisqually and the people who he has come to love as family. While it took almost an hour to drive to the reservation from where we were living in the town of Roy, due both to the distance and to reduced speeds on the highway through the handful of small towns in between, the reservation was actually very close as the crow flies—just across the main impact area of a bombing range within what was then Fort Lewis. Chris told me that a sqʷaliʔbs/Nisqually Elder named Frank Mounts had shared with him the knowledge that these were stolen Nisqually Reservation lands.

As soon as Chris revealed this knowledge to me, I began to insist that he take me out to meet his sqʷaliʔbs/Nisqually family someday. Chris, however, did not want to go out to the reservation if it could be avoided. It was not that he didn't love everyone who had shared their time with him, their knowledge, their food, and their breath. It was not that he didn't miss everyone. It was just too hard for him to go out there and visit when all but a small handful of the young men he had grown up with had left this world through suicides, overdoses, and accidents that had left their families, and Chris' heart, scarred. He was traumatized by all of the pain and loss and it would be some time before he too came to his own understanding that he needed to take me to the people who had helped raise him, no matter how hard it was for him.

Before he was ready to do this, we spent a lot of time sneaking on to Fort Lewis to go fishing in one of the small lakes enclosed within its boundaries. It wasn't illegal for us to be out there, but we were supposed to go through the main gate with a licensed driver in an insured vehicle and we couldn't often manage that. So we would walk through a huge gap in a chain-link fence that just about everyone we knew used to get to the lake. Every time Chris and I came to a certain spot on the trail, I would get the feeling that we were being watched and that, in fact, we were standing in a place where people had been buried. I can't explain this knowing/feeling but I have had this happen to me on more than a handful of occasions. On the path to the lake, I began to leave tobacco offerings and berries and other foods, feeling that this was the right thing to do and not understanding why.

Chris and I lived with his step-sister and her husband when we were first getting clean. Chris was also a methamphetamine addict as well as being an alcoholic and we had resolved to help one another through recovery, if we could. Chris' step-dad was a Cherokee man who had turned to Mormonism early in life after leaving home at age twelve to find work and make his

way across the country. Because of his connection to the Mormon Church, Chris' step-sister would get random visits from men and women of the Church, always with plates of cookies and smiles. They seemed to be very nice people but by this time I had begun attending Tacoma Community College and was beginning to learn from an academic perspective what had unfolded on this continent over the past five centuries. I therefore took great pleasure in debating with our Mormon visitors on a wide range of topics from missionization and colonization, through theories of the purpose of human existence.

One day, two men came to visit and they sat and chatted with me and Chris' step-sister in the living room. I can't remember the exact topic of conversation, but I know that it had to do with spirituality because I remember asking, "So, how do you know when you're on the right path?" The moment these words left my mouth, the entire trailer started rumbling and shaking and I realized that we were having a huge earthquake. Having endured the larger Loma Prieta Quake of 1989 centered eleven miles outside of Santa Cruz, California, I reacted quickly and jumped over the arm of the couch to try and steady the swaying of the tremendous fish tanks in the living room, a foolish move in retrospect but one for which I was not forced to pay. This was January 28, 2001, and the temblor we were feeling that day has come to be known as the "Nisqually Quake." This seismic event unfolded right at the shores of sčəgʷaliču/Sequalitchew, beneath the waters of Puget Sound. As will be discussed in later chapters, I have grown to understand this seismic event from salətʼuṗkʷ Leonard Squally's perspective; the relationship between the earthquake and my life's path becoming more clear to me with each passing year.

The 2001 Nisqually Earthquake centered off of the shores of sčəgʷaliču/Sequalitchew is, from the perspective of salətʼuṗkʷ Leonard Squally and a number of his family members, intimately related with the devastation wrought upon ancestral gravesites and sites of cultural

and spiritual significance within this sentient ancestral village landscape. For many Coast Salish ʔaciɬtalbixʷ/First Peoples, "Earthquakes and tsunamis [are] understood to be moral events reflective of relationships between and among human people and the other residents of Cascadia" (Thrush and Ludwin 2007:7). Within the ontology which guides saləťuṗkʷ Leonard Squally's life, the Earth and the landscapes and beings of which the Earth is comprised are sentient.

> Native American intellectual tradition still continues to express the North American landscape in intellectual and spiritual reciprocity, where the more-than-human grants qualities of mind to the human […] Thinking with and believing in the diverse minds that assemble ecosystems allows humans to understand what their animal teachers and spiritual helpers guide and instruct, in the ways of "being" of the continent. Without that instruction, we are less human because we are less natural and ever more liable to mistake Creation's assistance as imaginary or even meaningless [Sheridan and Longboat 2006:368].

This unity of mind and ecology, of culture and nature, is evident in Coast Salish ʔaciɬtalbixʷ/First Peoples' ontologies, wherein "humans, non-humans, memory, history, power relations, physical topography and language [are] all forces acting on each other in a lived, experienced environment" (Thom 2005:26). Through countless generations of living in place, sqʷaliʔabs/Nisqually peoples have engaged in reciprocal relationships with their sentient ancestral landscapes. These landscapes and the beings with whom they are shared provide everything necessary to sustain the peoples who are an inherent part of these holistic living systems.

These places, of course, provide a wealth of foods, medicines, and other gifts which physically sustain and nourish human beings. These places cradle the bones of generations of ancestors, lovingly returned to the Earth. These places, and the beings who dwell within them, also provide cultural teachings and spiritual sustenance, and they are understood to be replete with meaning, history, and inherent power irrespective of human presence. Landscapes

throughout the Coast Salish world are inhabited by "Transformed ancestors [who] have a practical and real importance in the lives of Coast Salish people today […] Coast Salish people are concerned with ancestral relations with these non-human persons. They take wisdom from the spirit of the land, through the encounters with these beings throughout their lives" (Thom 2005:139-140). Throughout the greater sqʷaliʔabs/Nisqually ancestral territories and within the ancestral village landscape of sčəgʷaliču/Sequalitchew, it is known by salət̓uṗkʷ̓ Leonard Squally and his family that there are "places [which] have the potential to hold spiritual power for those who are attuned to encountering it" (Thom 2005:21). People journey to these places in order to seek relationships with the spiritual powers within sentient landscapes and "exhibit correct behavior to engage in appropriate, circumspect and respectful relationships with non-human beings emplaced at these locales" (Thom 2005:153). The strongest kinds of these powers "are associated with the land itself, and an experience with one is tied directly to the kind of place encountered. These beings, and their place in the land, are an important facet of Coast Salish ontology and experience of the land" (Thom 2005:167). The right to establish relationships with the most powerful of these beings is a hereditary prerogative belonging to specific lineages as will be discussed throughout this work.

Rather than being understood in terms of "natural" and "supernatural," the more salient distinction within Coast Salish ʔaciɬtalbixʷ/First Peoples' ontologies is between human and other-than-human beings, inclusive of beings such as rocks and mountains, which are conceptualized as non-living entities within other ontologies (Thom 2005). These relationships between human beings, and between humans and other beings, also form the basis of what are conceptualized by academically-trained social scientists as "property relations." Coast Salish ʔaciɬtalbixʷ/First Peoples:

> understand property through encounters with and relations to ancestral figures in the land. Such encounters are mediated by their spiritual and ritual practices and through evoking mythological[5] landscapes in stories. The ancestral quality of hereditary personal name and named places further order and define grounded social relationships of property. Relations with these ancestral figures require reciprocity, sharing and respect with other persons, including both human and non-human people who are located and associated with place. They create and reinforce property relations where the land at once belongs to the ancestors who dwell there, and belongs to those living today who encounter the ancestors in it. People in the Coast Salish world organize their property relations with each other by residence in ancestral communities, or descent from ancestors connected to particular places, drawing from their association of historical and mythical privileges handed down from the ancestors and learned by engaging in respectful spirit relations with the non-human persons in the land [Thom 2005:29-30].

These understandings of "property" as a set of relationships and responsibilities are rooted within an ontology wherein nature and culture are an inseparable and dynamically iterative whole. "In Aboriginal cultures, where daily life is embedded in a world of relationships to care for, respect and exchange power with the land and other beings who dwell in it becomes organized by and reflects back into these cultural systems and practices" (Thom 2005:28-29).

In marked contrast to this autochthonous ontological orientation are ontologies which hold nature and culture to be separate realms:

> Tension exists between powerful western mainstream views of the land and those held by Aboriginal people (and others) who view the land through their experiences of dwelling in it […] In day-to-day engagements with the land (and particularly in powerful world-shaping engagements mediated by large-scale capital), mainstream western ontologies precipitate views of land as "a surface that can be parceled up and appropriated in bounded blocs, with renewable resources of animals and timber above, and non-renewable reserves of minerals and hydrocarbons below" (Ingold 2000:249). Such practices are reflected in and propelled by a long line of influential western philosophical thought [which] has seen 'space' as nature without culture, as land unobserved and unexperienced by people [Thom 2005:4-5].

[5] The English language terms "myth" and "mythological" are problematic in that for the general reader, the terms are often understood to imply that these teachings are like "fairy tales" and are untrue or allegorical. I use these terms, albeit grudgingly because of these connotations, as they have been used in general within the majority of the body of Coast Salish ethnography (Thom 2005). "Myth is a slippery word which has been used imprecisely to describe a wide array of narrative forms. In general, oral traditions of mythical form can be taken to have a number of key elements: they are accepted as 'fact' on faith, often being sacred narratives; they take place in a remote time and in a different world, and they have non-humans as main characters" (Thom 2005:79).

The ontological separation of nature from culture within western[6] philosophical and canonical traditions and daily lived experience has led to the conceptualization of sentient landscapes as *possession* rather than as a living system of relationships and responsibilities. Land conceptualized as possession within a capitalist system inevitably leads to the commodification of land in service to the dominant social class (Gilio-Whitaker 2011).

> Creating economic surplus is possible from not only the exploitation of indigenous lands, but from the commodification of them also – that is, as Smith argues, the construction of land as property. It is the construction of land as property that necessitates the constant migration of people, which relies on the "displacement and disappearance of indigenous peoples who emerge from the land" [Gilio-Whitaker 2011:28].

The western ontological separation of human beings from nature has led to the development of two seemingly divergent philosophies. The first is that humans are separate from nature and superior to other beings and, therefore, can and should exercise dominion over them. The second is that humans are separate from nature and inferior to other beings and, therefore, human should stay out of "pristine nature" (Peña 2005). The western separation of nature and culture is also intertwined with a perceptual orientation which is based on temporality rather than spatiality. "Time as the primary organizing intellectual principle to which spatial orientation is secondary, creates a linear and unidimensional world in which human existence is perceived in terms of motion through space cast as past, present, and future" (Gilio-Whitaker 2011:40). This temporal orientation is evident in narratives of progress, development, and evolution within western

[6] It is important, however, to keep in mind the fact that the ontological separation of nature and culture is not limited to "western" cultures. In her study of ecological impacts of Maoist politics on environments in China, Shapiro finds that "The Maoist adversarial stance toward the natural world is an extreme case of the modernist conception of humans as fundamentally distinct and separate from nature" (Shapiro 2001:3). There are numerous ontological orientations intellectual and philosophical traditions around the world within which nature and culture are understood to be different realms. However, because it is largely the ontological understandings arising from European and American philosophical and canonical traditions which have become hegemonic within sqʷaliʔabs/Nisqually and Coast Salish territories through Settler colonialism and its resultant "structural inequalities in social power between the state and often marginalized Aboriginal people," I retain the term "western" within this work (Thom 2005:5).

intellectual discourses (Gilio-Whitaker 2011:40). These philosophies have manifested in diverse ways over time but have always, regardless of form, been deployed, in tandem with notions of inherent racial inferiority, as justifications for the dispossession of Indigenous peoples and the enclosure of the sentient landscapes which sustain us, resulting in the disruption of ancient autochthonous relationships of reciprocal sustenance.

"The settler colonization of Indigenous Americans demonstrates that questioning their degree of humanity and their genealogical relationship to European patriarchal authority defined their subjection to Western law and its exception" (Morgensen 2011:61). When first encountered by Europeans, Indigenous peoples, when we were viewed as human at all, were seen as inherently racially and spiritually inferior to Europeans (Getches et al. 1998; Williams 1997). As discussed at length in Chapter 2 of this work, the Doctrine of Discovery undergirding the European colonial project hinges on the presupposition that "savage and infidel" peoples do not have rights to property ownership but merely a right of occupancy (Cronon 1983; Williams 1986). Co-constitutive of the doctrine of discovery is the Christian biblical notion of dominion as articulated within *Genesis* 1:28: "And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth." The notion of human dominion over nature, premised upon the idea that nature and culture are separate realms, contributed to the development of European property law wherein land is understood to be a possession (Cronon 1983).

> Through all the diversity among the theorists of discovery, a constant theme is the clear distinction between dominion, which inhered in European sovereigns alone, and natives' right of occupancy, also expressed in terms of possession or usufruct, which entitled natives to pragmatic use (understood as hunting and gathering rather than agriculture) of a territory that Europeans had discovered. The distinction between dominion and

> occupancy illuminates the settler-colonial project's reliance on the elimination of native societies [Wolfe 2006:391].

Europeans during the so-called Age of Discovery were seemingly unable, or unwilling, to recognize Indigenous land tenure systems as legitimate forms of "property rights."

Rather, these living autochthonous systems were rendered as what Rifkin (2009) terms *bare habitance*, an inferior and inherently replaceable form of land tenure which is the necessary precondition for the geopolitical projects of dispossession and Settler colonization via the enclosure of sentient Indigenous homelands. Enclosure is often defined as "the transformation of commonable lands into exclusively owned plots and the concomitant extinction of long-standing common rights to soil, firewood, timber, and, most importantly, pasture" (Vasudevan et al. 2008:1641). As explained in detail in Chapter 1 of this work, the idea of the "commons" within Coast Salish ʔaciɬtalbix$^{w}$/First Peoples' land tenure systems must be understood in reference to complex protocols of ownership and sharing, rather than as areas of "open access." The purposeful misreading of Coast Salish ʔaciɬtalbix$^{w}$/First Peoples' land tenure systems as bare habitance has provided the rationalization for enclosure.

The expropriation and enclosure of Coast Salish ʔaciɬtalbix$^{w}$/First Peoples' sentient homelands beginning in the mid-nineteenth century relied heavily on the use of cadastral surveys. The United States Bureau of Land Management [BLM] defines cadastral surveys as "surveys that create, mark, define, retrace, or reestablish the boundaries and subdivisions of the public lands of the United States […] Cadastral surveys are the foundation upon which rest title to all land that is now, or was once, part of the Public Domain of the United States" (BLM 2012). Cadastral surveying "is what converts a place to space and more specifically to status as a commodity-object domain or state administrative *dominium*" (Peña in press:100). The conversion of place into space, seen as "external to mind or body, a blank canvas onto which

culture and empire could be mapped," is one of the foundations of Settler colonialism (Thom 2005:11). The Settler colonial "domination of Native peoples was accomplished by their deplacialization: the systematic destruction of regional landscapes that served [sic] as the concrete settings for local culture" (Casey quoted in Thom 2005:11; Peña in press).

It was the story of the theft and enclosure of the eastern two-thirds of the Nisqually Reservation, and the impacts of this theft on sqʷaliʔabs/Nisqually peoples, which had brought me to salətˀuṗkʷ Leonard Squally's door. To this day it remains somewhat unclear to me why I was so *driven* to learn more about this history and about the people who had helped to raise my partner, Christopher. My desire to learn more seemed at times to be an aching physical need and I wonder now, in retrospect looking through the lens of historical trauma, if I was seeking both a sense of belonging as well as a deeper understanding of my own family's history *in addition to* being seemingly compelled by forces around me. The places along the path to the lake on Fort Lewis where I felt the presence of ancestors haunted my dreams. There were also places on the eleven-acre property to which Chris and I moved in late 2002 which felt to me as though they were burial sites. The farm sits next to what are now the Rodeo Grounds in the town of Roy, Washington and which, I have since learned from salətˀuṗkʷ Leonard Squally, were historically a meeting ground for people gathering to play the ancient game of *sla'hal*. In one of the pastures is a circular area marked by a number of depressions in the soil to which I was drawn time and time again, and which I believed were gravesites, sharing this belief with Chris who humored me but did not actually believe me. One day when Chris and I were in the pasture looking for plant medicines, one of our cats who had accompanied us trotted in a perfect circle on top of these depressions, stopping Chris in his tracks and bringing a noticeable pallor to his face. It wasn't long after this that he finally relented to my constant pressure to take me out to meet his

sqʷaliʔabs/Nisqually family, fitfully attempting to quell the tremendous anxiety he experienced while visiting the relatives of his deceased friends.

Chris first took me out to meet sqʷaliʔabs/Nisqually Elders Roy Wells and Maryanne (Mounts) Squally, two of the people who had helped raise him, Maryanne being the mother of Chris' closest friend, the late John L. Squally. These Elders were so kind and welcoming, opening their home to us and sharing some of what they knew about the theft of reservation lands. Roy recommended that I meet his cousin salətˀuƛ̓kʷ̓ Leonard Squally, advising me that he was one of the most knowledgeable people alive regarding sqʷaliʔabs/Nisqually history and cultural and spiritual teachings. Through meeting salətˀuƛ̓kʷ̓ and learning of the history of the illegal condemnation of the reservation and the history of the ancestral village landscape of sčəgʷaliču/Sequalitchew that is at the center of this work, I have come to understand that "when dis-placement occurs, social and spiritual upheaval ensues for Native people, leading to mental and physical health crises. Historically and contemporarily, dis-placement (*being* without place/spirit) of IP [Indigenous Peoples] from their original lands and ongoing exploitation of contemporary lands have led and continue to lead to ill health and dis-ease" (Walters, Beltran, Huh, and Evans-Campbell 2011:174; emphasis in original).

I have not been asked by the community as a whole to speak to these issues as they have specifically played out within the lives of contemporary sqʷaliʔabs/Nisqually peoples. The concepts of historical trauma and historical trauma response do, however, resonate deeply with salətˀuƛ̓kʷ̓ Leonard Squally's understandings of his own peoples' history and present-day struggles and victories. It is salətˀuƛ̓kʷ̓ Leonard Squally's understandings, the cultural and spiritual teachings that he carries, and his experiences as both a person trained from a young age

to care for the graves of his ancestors and for a time a Tribal cultural resources monitor[7] working at sčəgʷaliču/Sequalitchew, that are central to this work. salətʼuṗkʼ Leonard Squally, his family members, and a small number of other families often seem to stand apart from the majority of the community in their insistence that the protection of sqʷaliʔabs/Nisqually ancestral gravesites and sites of cultural, historical, and spiritual importance become a priority for the Nisqually Tribal Council.

In my ten years of working closely with salətʼuṗkʼ Leonard Squally, the prioritizing of these issues by members of the Nisqually Tribal Council and Nisqually Tribal cultural resources and legal staff, has not often been evident, if at all.

> If "observation" links anthropology to the natural sciences, "witnessing" links anthropology to moral philosophy. Observation, the anthropologist as "fearless spectator," is a passive act which positions the anthropologist above and outside human events as a "neutral" and "objective" (i.e., un-committed) seeing I/eye. Witnessing, the anthropologist as companheira, is in the active voice, and it positions the anthropologist inside human events as a responsive, reflexive, and morally committed being, one who will "take sides" and make judgments, though this flies in the face of the anthropological nonengagement with either ethics or politics. Of course, noninvolvement was, in itself, an "ethical" and moral position. The fearless spectator is accountable to "science"; the witness is accountable to history. Anthropologists as witnesses are accountable for what they see and what they fail to see, how they act and how they fail to act in critical situations [Scheper-Hughes 1995:419].

For the past six years of my ten year relationship with salətʼuṗkʼ Leonard Squally, I have witnessed events within the sqʷaliʔabs/Nisqually community while struggling to accept the role of "anthropologist." I will return to the reasons for this struggle later in this introduction, but prior to my making the decision to pursue my doctorate in sociocultural anthropology, my relationship with salətʼuṗkʼ was far from "academic," and remains so today. We spent the early

[7] The meaning of this term and salətʼuṗkʼ Leonard Squally's official position with the Nisqually Tribe will be discussed in detail in later chapters. For now, I will define the term 'Tribal cultural resources monitor' as a Tribal employee who, under heritage preservation legislation or agreements, oversees ground disturbing activities within a Tribe's ancestral homelands by governmental and corporate entities in order to prevent or mitigate the destruction of sites of cultural, historical, and spiritual importance.

months of our relationship getting to know one another; with me coming out to the reservation to eat lunch with him, his brothers and sisters, and other Elders so that I could learn whatever people were willing to share with me about sqʷaliʔabs/Nisqually history. While far from "academic," my sharing of breath with salətˀuɬkʷ is what in fact motivated me to continue in my education.

One year prior to meeting salətˀuɬkʷ Leonard Squally, I had decided to return to college after having finally quit using methamphetamine for good. I began taking courses towards my Associate's degree at Tacoma Community College without a clear idea of the direction I was heading. In my first quarter, I signed up for a sociology course which focused on African-American, Asian-American, and Native American experiences with racism, several of the texts familiar to me from my mother's own bookshelves. I remember how moved I was by the reactions of the diverse students in the class upon learning some of the horrors visited upon this continent's Indigenous peoples, and I began to find my voice as a scholar and activist during that first three months back in the academy. I soon decided to pursue a Bachelor's degree, applying and being accepted at the Evergreen State College in January of 2003, shortly after meeting salətˀuɬkʷ Leonard Squally for the first time. He and I began spending time together regularly, with him sharing stories with me about his life as a young man and about being shown the locations of the graves and sacred places of his ancestors. Like me, salətˀuɬkʷ Leonard Squally did not often use the main gate when driving out onto Fort Lewis, and we "trespassed" on his peoples' lands so that I could show him the place that kept calling to me along the path to the lake. On our first visit there, he identified five graves in the immediate area where I had been leaving offerings and I began to realize that none of this was my imagination.

In my first quarter at Evergreen, I was enrolled in a course called "Seeking Justice," a three-quarter long course taught by three co-instructors one of whom, Kristina Ackley, is a member of the Oneida Nation of Wisconsin, The On^yoteʔaka/Oneida, like the Kanien'keha:ka/Mohawk, are members of the Roti'nonshon:ni/Iroquois Confederacy, and I felt an immediate connection with Kristina who encouraged me to continue my education. As part of this course, students were required to write a research paper on a contemporary social justice issue. I asked for and received permission from salətˀuɬkʷ Leonard Squally to write about the illegal condemnation of the eastern portion of the Nisqually Reservation, drawing on recorded interviews with him as well as whatever other information I could gather on this history. It was on one of the days where we recorded our conversation about Fort Lewis that he asked me to take him to DuPont, built atop the ancient sqʷaliʔabs/Nisqually ancestral village landscape of sčəgʷaliču/Sequalitchew. I had been deeply affected by the feelings that had swept over me on that first visit and the history which salətˀuɬkʷ began to relate to me that day. I asked him if he saw any way that I could help him in his work to protect the graves of his ancestors and the places within sčəgʷaliču/Sequalitchew which had sustained his people in myriad ways since time immemorial.

We began to spend more and more time together, with me accompanying him on trips out to DuPont and sitting in on meetings of the Nisqually Tribal Historical Committee, of which salətˀuɬkʷ was Chairman at the time. He also had me attend meetings of the Tribe's Elders Committee, for it was mostly a small group of Elders and their immediate families who were the most concerned about the desecrations taking place within sčəgʷaliču/Sequalitchew. I also accompanied salətˀuɬkʷ Leonard Squally to a handful of Tribal Council meetings and to a number of consultation meetings with federal agencies regarding the protection of

sqʷaliʔabs/Nisqually burial sites and sites of cultural and historic significance throughout the region. Our friendship deepened, and when I proposed to write a research paper during the last quarter of the course "Seeking Justice," about what was taking place within sčəgʷaliču/Sequalitchew, he readily agreed. In fact, as discussed at length in Chapter 9, salətʼupʼkʼ Leonard Squally had at that time just been replaced as the Tribe's cultural resources monitor without his knowledge, and the limited support that he had once had in the sacred work of protecting his ancestors seemed to evaporate completely; the Tribal Council, legal department, and cultural resources staff making decisions in direct contravention to the ancestral teachings which salətʼupʼkʼ carried.

He grew more concerned as each day passed, and the devastation being wrought upon the graves of his ancestors and a number of the places which sustained his people accelerated. He decided that it was time to take action, with or without the support of the Nisqually Tribal Council. He asked me if I could gather together information to be complied into a media packet to be sent to state and local officials, Indigenous rights organizations, media outlets, and the United Nations. I had no previous experience undertaking academic research prior to this time, nor had I ever been involved in any sort of activism, so I followed my heart and helped to prepare these informational packets, which included copies of my research paper on sčəgʷaliču/Sequalitchew, primary supporting documents, and a letter summarizing some of what he and I understand to be crimes against his people; crimes against humanity; acts of genocide. The United Nations Convention of the Prevention and Punishment of Genocide, Article 2, defines the term as:

> any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in

> part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.

Without question, the desecration of ancestral gravesites, sacred sites, and sites of cultural and historical significance causes significant mental, emotional, and spiritual harm to many Indigenous descendants. Contemporary health research in the area of historical trauma also indicates a clear correlation between desecration and *bodily* harm. And, according to the ancestral sqʷaliʔabs/Nisqually teachings, the desecration of ancestors and the destruction of spiritually powerful places and landscapes have the potential to visit devastation and even death upon his people and others. What of intentionality?

> While this emphasis on *intention* makes sense in many cases, it fails to adequately address the issue of *consequence*. It is easy to think of many violent but seemingly accidental situations – death and injury caused by drunk driving, for instance, or the "collateral damage" caused by intensive aerial bombardment campaigns – in which the absence of explicit intention to harm offers no absolution from responsibility. At a larger level, the very same principle applies to collective responsibility for the plight of those currently suffering from a wide range of avoidable afflictions that contemporary social institutions tolerate and to a large extent produce – from hunger and homelessness, to disease, displacement, and squandered human potential. Indeed, as Galtung argues, "ethical systems directed against *intended* violence will easily fail to capture structural violence in their nets – and may hence be catching the small fry and letting the big fish loose" [Soron 2007:4-5; emphasis in original].

The focus on *intent* often obscures the existence of violence within the everyday acts of genocide and trauma being committed against Indigenous peoples and the sentient ancestral landscapes and beings with whom we comprise our homelands as family. The desecration of ancestral gravesites, sacred sites, and sites of cultural and spiritual significance to Indigenous peoples under the auspices of "development" are acts of Settler colonial structural violence.

Structural violence, as first defined in Galtung (1969), is said to be an indirect form of violence, in that "there may not be any person who directly harms another person in the structure. The violence is built into the structure and shows up as unequal power and

consequently as unequal life chances" (Galtung 1969:171). Similarly, and cited by Galtung (1969) is Carmichael's (1967) definition of "institutional racism", as distinguished from individual racism, which is direct and overt. Institutional racism is "less overt, far more subtle, less identifiable in terms of specific individuals committing the acts, but it is no less destructive of human life. [Institutional racism] is more the overall operation of established and respected forces in the society and thus does not receive the condemnation that [direct racism] receives" (Carmichael 1967:151). The concepts of institutional racism and structural violence can "inform the study of the social machinery of oppression," revealing the systematic and institutionalized violence embodied as adverse events in the lives and experiences of marginalized peoples (Farmer 2001:307).

The mechanisms of structural violence and institutional racism, along with "the machinery of political economy […] continue to wreak killing force on millions of people today" (Waterston 2005:46). In using a framework which draws upon an anthropology of structural violence, an "historically deep" approach is taken, revealing both the complex "webs of living power that enmesh witnessed misery" as well as how these webs of inequality are structured and legitimated over time (Farmer 2001:309). It is an approach that seeks to ethnographically embed evidence within historically given social and economic structures, and can help to link the "everyday violence and dehumanization that characterizes the lives of many who are poor and dispossessed to the more visible spectacular violences that become recognized as massacres and genocide" (Waterston and Rylko-Bauer 2006:409). Utilizing a framework of structural violence, as well as its relationship to forms of direct violence and cultural violence,[8] in combination with the concept of historical trauma in order to examine the unfolding of contemporary acts of

[8] Cultural violence is defined by Galtung as "any aspect of culture that can be used to legitimate violence it its direct or structural forms […] Cultural violence makes direct and structural violence look, even feel, right - or at least not wrong" (1990:291).

desecration within the sqʷaliʔabs/Nisqually ancestral village landscape of sčəgʷaliču/Sequalitchew illuminates their character as acts of genocide. "The question of genocide is never far from discussions of settler colonialism. Land is life—or, at least, land is necessary for life. Thus contests for land can be—indeed, often are—contests for life. Yet this is not to say that settler colonialism is simply a form of genocide" (Wolfe 2006:387).

However, Settler colonial tactics of elimination are often genocidal, and both genocide and Settler colonialism are typically deployed through the logics of racialization:

> Correspondingly, Indigenous North Americans were not killed, driven away, romanticized, assimilated, fenced in, bred White, and otherwise eliminated as the original owners of the land but as Indians […] Whatever settlers may say—and they generally have a lot to say—the primary motive for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory. Territoriality is settler colonialism's specific, irreducible element [Wolfe 2006:388].

In Settler colonial formations, invasion is a structure through which the perpetual elimination of Indigenous peoples is actualized. Elimination in a Settler colonial context—premised upon dispossession and replacement—encompasses far more than solely outright extermination. "In its positive aspect, the logic of elimination marks a return whereby the native repressed continues to structure settler-colonial society. It is both as complex social formation and as continuity through time that I term settler colonization a structure rather than an event" (Wolfe 2006:390). Wolfe thus proposes the concept of *structural genocide* which "enables us to appreciate some of the concrete empirical relationships between spatial removal, mass killings and biocultural assimilation" (Wolfe 2006:403). It is these understandings of structural genocide, embedded within the greater longstanding legacy of Settler colonialism through which contemporary sqʷaliʔabs/Nisqually peoples persist, and which propel salətˀuṗkʷ Leonard Squally forward in his resistance to the acts of violence being perpetrated against his ancestors, the beings and

powers within the ancestral village landscape of sčəgʷaliču/Sequalitchew, and against his people living today.

salətuṗkʷ Leonard Squally's resistance to these violences, committed by governmental and corporate entities and at times sanctioned by the Nisqually Tribal Council and even undertaken by Tribal members, is the driving force behind this work. salətˀuṗkʷ Leonard Squally had me assist him in the preparation and dissemination of the previously mentioned media packets in the hopes that increased public awareness would inspire people to step forward to stop these crimes against his people. It is nine years later, and the genocide continues to this day. Out of the close to two dozen packets we mailed in 2003, we received a response from only one addressee, the Northwest Justice Project whose staff indicated that the organization would not be able to provide any legal assistance, as the Nisqually Tribe was financially capable of paying for its own legal services. While it was clear from the letter that salətˀuṗkʷ Leonard Squally included in these packets that the Nisqually Tribal Council was allowing the desecrations to continue unabated, not a single organization, including the American Indian Movement, the Native American Rights Fund, the Indian Burial and Sacred Grounds Watch, and American Indians Against Desecration, stepped forward to assist this Elder and Hereditary Chief in stopping these crimes.

Finding ourselves at a roadblock, I considered my options for approaching these issues in a different manner. During the 2003-2004 academic year at Evergreen, my professors Kristina Ackley and her husband Arlen Speights of the Houma Nation of Louisiana began to encourage me to consider further pursuing my education. Both Kristina and Arlen were graduates of the University of Arizona's American Indian Studies Program, and I began to explore the possibility of graduate school and law school as potential paths through which I could become a better

advocate. I decided to apply to the University of Arizona's joint degree program in American Indian Studies and Federal Indian Law, planning to simultaneously pursue a Master's degree and a *juris doctor*. Having done well on the LSAT, and carrying a 4.0 GPA, I was somewhat disappointed when I was denied admission to the James E. Rogers College of Law while being granted admission to the American Indian Studies Program. It wasn't until after arriving in Tucson and meeting with federal Indian law scholar Robert A. Williams, Jr. that I learned that my disclosure of my criminal and drug abuse history had prevented the law school's approval of my application, despite Williams' advocacy for my cause. I had decided to accept the American Indian Studies Program's offer of admission and forego law school, although I intended to take all of the federal Indian law classes that I could while in attendance. salətʼuṗkʷ̓ Leonard Squally and I continued to work towards raising awareness about sčəgʷaliču/Sequalitchew before I left, and I also helped to draft numerous petitions at the request of the Tribe's Historical Committee and Elders Committee, through which they demanded salətʼuṗkʷ̓ Leonard Squally's reinstatement as the Tribe's cultural resources monitor, as well as demanding action by the Nisqually Tribal Council to stop the desecrations.

During this period, I was blessed to be asked to accompany salətʼuṗkʷ̓ to the House of Sla'nay of the tuwaduq/Skokomish Nation, which I continue to do to this day. In this beautiful home, the ancient Coast Salish ʔacilta4bixʷ/First Peoples Seowin teachings are alive and feed the people of these lands in ways that are bringing a return to wholeness amongst peoples who have survived well over a century of genocide and forced assimilation. In 2004, this home was under the leadership and care of the late subiyay Bruce Miller, who is one of the most highly respected and deeply treasured Coast Salish cultural and spiritual leaders of contemporary times. I was also blessed to spend time in this home as part of various courses I had taken at Evergreen, including

a course on local medicinal and food plants, subiyay opening his beautiful garden to our learning community. subiyay's nephew CHiXapkaid Michael Pavel became an adjunct professor at Evergreen during my time there, and we spent many class days in the House of Sla'nay; some students helping in the gardens, some with the building of CHiXapkaid's canoe, and a small handful of us working to refresh the paint on a number of teachings-embodied-in-art that hang in that house. Throughout the beginning of 2004, I also met a handful of times with salətˀuɬkʷ Leonard Squally's niece, Misty Kalama of the Puyallup Nation and her then-husband sm3tcoom Delbert Miller, a nephew of subiyay and a cultural and spiritual leader of the tuwaduq/Skokomish Nation, also then serving as the Tribal Historic Preservation Officer for the Skokomish Tribe. Practitioners of the ancient ways of Seowin, the ancestral living teachings of Coast Salish ʔaciɬtalbixʷ/First Peoples, they understood well salətˀuɬkʷ Leonard Squally's concern and anguish over the events unfolding within sčəgʷaliču/Sequalitchew.

sm3tcoom Delbert Miller, like the majority of Puget Sound Coast Salish peoples, is a lineal descendant of peoples originating from a number of different ancestral village landscapes throughout the region. Some of his ancestors were of the place called Tse-whit-zen in Lower Elwha Klallam territory which, at the time we met, was being desecrated by the Washington State Department of Transportation under the auspices of the Hood Canal Bridge project. Construction of the staging area for this replacement bridge has unearthed a vast village complex and burial ground, including the mass graves of smallpox victims and other victims of the past 150 years of American genocide in the region. sm3tcoom had witnessed firsthand the violence being wrought against his ancestors and relations, and knew only too well the traumas being visited upon descendants and upon Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples. A man deeply immersed in ancestral Coast Salish cultural and spiritual teachings, sm3tcoom Delbert

Miller was one of the people who stepped forward to assist the Lower Elwha people in coping with these violent acts, and with undertaking the spiritual work necessitated by these crimes. sm3tcoom spoke briefly to Seattle Times staff reporter Lynda Mapes in 2004:

> Delbert Miller, a spiritual adviser to the Skokomish tribe, said, "It is a crime against humanity, that is what it is to me. I've seen very, very private, and personal ways the bodies were buried, in fetal positions, with their hands to their face. There are very personal things that are being revealed; when I think about it I get a bitter and hateful feeling, and in my life I've never had that feeling before" [Mapes 2004].

The crimes against humanity being committed at Tse-whit-zen were and are impacting the health and well-being of a number of peoples throughout the Coast Salish world. In light of the desecrations, it was decided that as part of the 2004 Tribal Journeys, an empowering and healing gathering of numerous Indigenous Nations travelling by canoe from Nation to Nation, all coming to gather within the homelands of a different host Nation each summer, the canoes would gather off-shore of the graving dock where Klallam ancestors were being defiled and spiritual healing work would be undertaken. I was invited to accompany salətˀuṗkʷ Leonard Squally on that year's journey in sm3tcoom's newly built cedar strip canoe and accepted sm3tcoom's generosity and kindness, traveling with salətˀuṗkʷ until I had to pack to leave for Arizona. A number of us gathered together at the campsite in Port Angeles when I said my good-byes, as my new family would be continuing by canoe up to Vancouver Island while I got ready to leave for graduate school. I was given strength that day to continue in this work, and given permission by sm3tcoom to carry with me one of the songs that belong to his family.

A little over a week before I planned to leave for Arizona with Christopher, I received a phone call informing me that salətˀuṗkʷ Leonard Squally had suffered a massive heart attack on Vancouver Island and was in intensive care in a hospital in Victoria, B.C. I had no passport and could not cross the Canadian border to be with him, so I waited anxiously for daily phone calls

from family members and friends updating me on his condition. Growing tired of being hospitalized so far from home, salətˀuɬkʷ Leonard Squally demanded to be released and asked if I could come pick him up from the ferry in Port Angeles. I hurriedly emptied my van of all my worldly possessions, and Chris and I drove to meet him. I could not believe my eyes when I saw salətˀuɬkʷ being wheeled down the ramp by ferry staff, still dressed in his hospital gown and too weak to stand. salətˀuɬkʷ Leonard Squally is a big man, but he looked so helpless that day. In fact, he was so weak that it took Chris and I about three hours to get him from the wheelchair onto the floor of my van because he couldn't stand on his own and a lifetime of unhealthy eating had added a few pounds to his once muscular logger and fisherman's frame. After getting him in the van and returning the wheelchair to ferry staff, Chris and I drove salətˀuɬkʷ home to the Nisqually Reservation. He was soon admitted to a nursing home in order to complete his recovery, and I repacked the van and headed to Tucson in order to start a new chapter of my life while he rested and healed.

During my time at the University of Arizona, I was blessed to be able to learn from some of the greatest contemporary Indigenous intellectuals of contemporary times, and thanks to their encouragement, I continued on my path to gaining whatever knowledge I felt could assist me in my work helping salətˀuɬkʷ Leonard Squally. Along the way, I had decided against applying to law schools in states other than Arizona, and began searching for additional avenues towards becoming a more effective advocate. While I was not officially a student in Vine Deloria, Jr.'s law course on treaties, I had brought him some smoked salmon that salətˀuɬkʷ Leonard Squally's niece had sent me, knowing that Deloria had spent time in sqʷaliʔabs/Nisqually territory during the "Fish Wars," as discussed in Chapter 5 of this work, and in fact had met salətˀuɬkʷ Leonard Squally. Deloria must have taken a liking to me, or perhaps he just wanted

to have someone to sit on the balcony and smoke cigarettes with him on class breaks, because he invited me to sit in on his class despite the fact that I was not enrolled as one of his students. Many anthropologists familiar with Vine Deloria Jr.'s work will either be surprised or horrified that it was Deloria himself who suggested that I pursue my Ph.D. in anthropology, focusing on the protection of Indigenous ancestral gravesites and sites of cultural, historical, and spiritual significance.

During my time as a graduate student at U of A, I came back to Washington to intern with sm3tcoom Delbert Miller within the Skokomish Tribal Historic Preservation Office in the summer of 2005 in order to learn more about the daily on-the-ground work of cultural resources protection. As it became more and more evident that salətʼuṗkʷ Leonard Squally's pleas to the Nisqually Tribal Council were going unheeded, I decided to focus my energies on the efforts of the tuwaduq/Skokomish people to protect ancestral gravesites and sites of significance in order to learn how to assist in this realm of the work in case the Nisqually Tribe ever decided to pursue the establishment of their own cultural resources program. My master's thesis, *Deconstructing Narratives of Subjugation: The Creation of Space for the Reassertion of the tuwaduq Historical Narrative*, focused on the Skokomish Tribe's efforts to recover ownership of a burial ground within the boundaries of their reservation which had fraudulently passed out of Tribal ownership in the early twentieth century. As the situation at sčəgʷaliču/Sequalitchew was growing far worse with no indication from the Nisqually Tribal Council that they were going to anything to stop the desecrations, I approached sm3tcoom with the idea of undertaking dissertation research focused on documenting the vast ancestral cultural landscape of the tuwaduq/Skokomish peoples for his community to draw upon as a resource. I accepted the offer of admission to the University of Washington's Sociocultural Anthropology program with this work in mind as the focus of my

research while still planning to use what I was learning to assist salətˀuɬkʷ in his efforts to protect his ancestors and the places which sustain his people.

As Chris and I drove back from Tucson to Washington State, salətˀuɬkʷ Leonard Squally started having trouble with his kidneys, being hospitalized just prior to my return. On the day after arriving back in Washington, salətˀuɬkʷ called me from the hospital to ask me to come pick him up as he had again decided to discharge himself. Chris and I picked him up and on the drive back to the Nisqually Reservation, salətˀuɬkʷ asked that I come see him in a few days and help him draft a living will and do not resuscitate order. "I don't wanna be hooked to no machines," he told me, and despite the fact that I could not bear the thought of his passing, I agreed to come back up from Raymond, the town where Chris and I live with his mother, in three days to help salətˀuɬkʷ draft these documents. On the day before we had scheduled our visit, salətˀuɬkʷ suffered from two more heart attacks and kidney failure, and slipped into a coma. He had been placed on life support and the doctors believed that he would leave this world within a few days. The outpouring of love and support from his relatives throughout Puget Sound was a source of amazement to hospital staff, who bent the rules to allow more visitors in salətˀuɬkʷ's room in the intensive care unit than normally allowed, and encouraging spiritual practitioners to do their part in contributing to the recovery of this Elder and Hereditary Chief.

One early morning, I arrived at the hospital to hold his hand and talk with him, and his sister Annie arrived a short time later. We held him and talked with him and told him that if he wanted to get off of the machines, he needed to open his eyes. I learned to never underestimate a Squally as Annie and I were witness to his re-emergence from the other side of life in our arms. He struggled to pull out his breathing tube as Annie and I tried to calm him. I went and got a nurse who tightened salətˀuɬkʷ's wrist restraints to prevent him from injuring himself while

trying to remove the tube. As she left the room, salətˀuɒkʷ pulled himself upright in bed *by the wrists* and managed to give me the finger for allowing him to be placed on machines to keep him alive. I have never been so elated to be assaulted in this way. The news of his reawakening spread as more family members arrived. He began to recover, hospital staff referring to him as "the miracle man," amazed at the strength of this Elder and the teachings which had kept him alive. When he was released from the hospital and I came to visit him at his home for the first time after this hospitalization, I asked him if there was any work that he wanted me to help him with before he left this life for good. He looked at me resolutely and said one word, "DuPont." It has been revealed to salətˀuɒkʷ Leonard Squally that this is work that he must finish before he leaves this life. This is the work that his family prepared him for and that his ancestors expect of him. This is the work that has become central to my own work, and serves as the whole impetus behind my decision to become an anthropologist.

In fact, I don't think that I have as yet decided that I want to *be* an anthropologist. The discipline of anthropology has a long and often problematic history of non-Indigenous peoples conducting research among Indigenous populations. Indeed, the establishment of American anthropology rests on this particular type of research as its foundational structure. Although for nearly a century, Settler researchers have assumed this work to be meaningful for the discipline, many Indigenous peoples have often seen it as culturally irrelevant, exploitative, unethical, and harmful (Deloria 1969, 1980, 1997; Mihesuah 1998; Smith 1999). This history of exploitation has engendered well-developed, and well-justified, distrust of anthropological research and researchers. In cases where this research has not been openly exploitative, it has often been culturally inappropriate or irrelevant, largely due to the imposition of incommensurable etic theoretical understandings on Indigenous lived experience. "The language that anthropologists

use to explain us traps us in linguistic cages because we must explain our ways through alien hypothetical constructs and theoretical frameworks" (Cecil King, quoted in Ranco 2006:62).

Anthropology's inherently etic nature as practiced by the majority of anthropologists does not necessarily mean, however, that there is no commonality whatsoever between western academic anthropological theories and the lived understandings and theories of Indigenous peoples. Activist/scholar Andrea Smith speaks to the necessity of engaging these etic theoretical discourses:

> [W]e may fear that engaging in other discourses may continue our marginalization. But if we really want to challenge our marginalization we must build our own power by building stronger alliances with those who benefit from our work, both inside and outside the academy. When we become more directly tied to larger movements for social justice, we have a stronger base and greater political power through which to resist marginalization. When we build our own power, we can engage and negotiate with others from a position of strength rather than weakness. Thus, rather than fearing that engagement with the ideas emerging from non-Native communities will marginalize us, we can actually position Native peoples as intellectual and political leaders whose work benefits all peoples [Smith quoted in Gilio-Whitaker 2011:50-51].

It has been critical to this work that I re-center myself as an Indigenous researcher for, "When Native people re-center themselves intellectually (by engaging, for example, in theoretical discourses they have tended to reject as irrelevant to them, such as Marxist or Foucauldian frameworks) they can avoid reacting to their marginalization, which is the result of colonization and white supremacy" (Gilio-Whitaker 2011:50). In re-centering myself in relation to western theoretical discourses, it has become ever more critical for me within this attempt to mobilize western academic theory to not just include the voices of Indigenous peoples, but to center them as well. "[A]n analysis of settler colonialism positions indigenous peoples at the center, foregrounding not settler groups' relationships with each other or with the U.S. settler state, but with the indigenous peoples whose ancestral lands settlers occupy" (Fujikane and Okamura 2008:9).

Through this work, I give primacy to the voice and understandings of saləƛ̓u꞉kʏ̓ Leonard Squally by beginning from a foundation which is premised upon the recognition of and respect for all of the beings of Creation as entities of consciousness, volition, and vast intelligence.

> Among our people, the traditional Skokomish elders teach the young that first there were earth's inanimate substances-elements like earth, water, and air that gave the plant tribes life. The plant tribes were followed by the animal people. All are known as beings and each is believed to possess a life force. During their infancy, the Great Spirit gave the life forms knowledge to be shared with each other, as well as with the first human beings who would follow in the line of creation. The knowledge possessed by each life force would inspire the human beings to learn how to build homes, obtain songs of power, and dance in the ceremonial way. In return, the human beings would contribute to the stability necessary for harmony by respecting and protecting all life forms [Pavel, Miller, and Pavel 1997:57].

In making the decision to share with the world some of the deep ancestral knowledge of tuwaduq/Skokomish peoples, subiyay Bruce Miller and his niece and nephew were compelled by the imminent threat to ancient Coast Salish ways of living and being in the world. "What we are about to share is knowledge maintained in ancient rites and ceremonies since the dawn of our humanity; much of the knowledge is meant only for tribal members who join the spiritual societies of the Pacific Northwest Coast Salish" (Pavel, Miller and Pavel 1997:56). These ancient Seowin teachings of which saləƛ̓u꞉kʏ̓ Leonard Squally is the only living sqʷaliʔabs/Nisqually practitioner are part of the great wealth of Coast Salish ʔaciɬtalbixʷ/First peoples.

As a woman who treasures her own Kanien'keha꞉ka/Mohawk creation history and the ancient teachings embodied therein, I love listening to the stories of other peoples and learning how the peoples of Turtle Island[9] have come to live in their places. It is often deemed necessary within the legislatively-prescribed fora of "Tribal cultural resources management" that these histories be shared in order for federal and state land managers and historic preservation experts to understand the spiritual, cultural, and historical significance of places and landscapes to the

[9] The term Turtle Island is the Anglicized version of the Roti'nonshon:ni/Iroquois conception of the North American continent, arising from our creation history.

people who have had relationships with them since time immemorial. Turner proposes that if Indigenous peoples assert that we have different ontological and epistemological orientations than Settler colonists, and that these differences ought to matter in the political relationships between Indigenous Nations and peoples and Settler societies, that we must become "word warriors" and learn to engage the legal and political discourses of the state more effectively (Turner 2006). "Word warriors do the intellectual work of protecting indigenous ways of knowing; at the same time, they empower these understandings within the legal and political practices of the state. Word warriors listen to their 'indigenous philosophers' while engaging the legal and political practices of the state" (Turner 2006:8). As a sociocultural/environmental anthropologist who works collaboratively with a number of knowledge keepers and cultural experts who are members of Tribal Nations within the Puget Sound region of Washington State on the protection of their "cultural resources," it is expected that I have some familiarity with the origin histories of these peoples, as these origin histories often refer to places within landscapes which are vital to the peoples' existence and understanding of themselves in relation to the rest of Creation.

For many Indigenous peoples, to share such knowledge with people outside of their Nations or even outside of certain societies within these Nations, can be uncomfortable, forbidden, or, in some cases, deleterious to the well-being of their own people. Those concerns often matter very little to federal and state land managers and other Settlers working within federally- and state-articulated cultural resource protection programs and processes. Assurances are made regarding "confidentiality," and Indigenous Nations and peoples seeking to have their significant places and landscapes protected from desecration and disturbance are expected to share such information with land management and historic preservation agencies in order to

provide “evidence” of this significance. This does not necessarily mean, however, that these places will be protected or “managed” in ways conducive to maintaining and strengthening Indigenous relationships within these landscapes, although sometimes this actually does happen, as has been the case with salətˀuɬkʷ and I securing the first ceremonial closure of a portion of the Gifford Pinchot National Forest. All that is required is by law is that these places, and the significance of these places to living people, be “considered” within regard to access and utilization, or management plans, or in regard to development projects which may impact, disturb, desecrate, or destroy them. I will return to a discussion of these laws and processes in later chapters.

My point in bringing up the sharing of these stories by Tribes and Tribal members is that it is expected in the work that I do in the world as a “Tribal cultural resources consultant” that I help to serve as a bridge between Tribal Nations, Elders, and cultural experts and the historic preservationists and land managers who make decisions regarding the “management” of sentient Indigenous homelands. My responsibility is to support the work of those who seek to have places protected, considered, or managed in ways conducive to Indigenous well-being. This dissertation is a part of such work, and is a by-product of the ten years that I have shared breath with 78-year old salətˀuɬqʷ Leonard Squally. salətˀuɬqʷ Leonard Squally has inherited the responsibility of caring for the places where the bones of his ancestors rest, and the many places which have provided physical, cultural, and spiritual sustenance for his peoples since time immemorial. As a child growing up within and being sustained by his peoples’ homelands and the beings who share them, salətˀuɬqʷ Leonard Squally was shown by his father and uncles many of the places where generations of sqʷaliʔabs/Nisqually peoples lived their lives and where they have been laid to rest. I have been blessed to be able to have salətˀuɬqʷ Leonard Squally share the great wealth

of his knowledge with me and to have been taken in by his family as a relative, with the countless joys, hard times and responsibilities that this entails. They have shared the wealth and beauty of their homelands with me, taking me with them to harvest huckleberries, cedar bark, and medicines; being with them in prayer and ceremony; helping to cook for celebrations and funerals; spending nights on salətˀuɬqʷ Leonard Squally's floor after surgery and many days by his hospital bedside when he falls ill.

I was never blessed to know any of my grandparents and, while salətˀuɬqʷ Leonard Squally was born three years after my own mother, he is like a grandfather to me in many ways. But he is also a dear friend and, some days, even a husband of sorts. His sisters "joke" that I am his little wife, but there is more than a hint of seriousness in their humor. This "joke" connotes both their acceptance of me as a part of his life and their own lives, and the expectations that they have of me to care for their brother. It is a great honor and privilege to have these relationships, and I love and treasure each and every one of salətˀuɬqʷ Leonard Squally's relatives deeply. They have helped me to become who I am, and they have helped me to learn how to live in their homelands according to teachings given by these living landscapes themselves and shared across countless generations. I do not have the words to express my gratitude for all of the wealth they have shared with me. I hope that in some way, this work will be something that I can give back in recognition of their generosity, kindness, and love.

Despite the fact that I have worked with salətˀuɬqʷ Leonard Squally for almost ten years, assisting him in his work protecting the places important to his people, he has never shared stories with me about sqʷaliʔabs/Nisqually origins. Having read books written by the late Nisqually Tribal member and history teacher Cecilia Svinth Carpenter, in which she proposes that the sqʷaliʔabs/Nisqually people migrated to Puget Sound from the Great Basin, and knowing

that other ʔaciɬtalbixʷ/First Peoples of Puget Sound do not share this understanding of their own origins, I wondered if perhaps this history of migration from what is now desert, north into eastern Washington and across a mountain pass through the Cascade Range and down the Nisqually Basin to the Sound perhaps bespoke the history of sqʷaliʔabs/Nisqually peoples who historically lived in the upper reaches of the watershed, and who had close ties with Yakama peoples across the mountains, as discussed in Chapters 1 and 2. It is the only way that I can wrap my mind around sqʷaliʔabs/Nisqually peoples having stories that bespoke a migration north when I have not heard or read about this history regarding any other ʔaciɬtalbixʷ/First People of Puget Sound. I asked salətˀuƀqẏ̓ Leonard Squally if his older people had ever shared stories with him about where the people came from. His answer silenced me: "*The only stories they ever told me were about how the white man speaks with forked tongue*," hence the title of this work (salətˀuƀqẏ̓ Leonard Squally, personal communication 2010). As you read the rest of this work, it will become horrifyingly evident why these stories may have been considered to be important ones with which to feed a child.

salətˀuƀqẏ̓ Leonard Squally, whose family lineage is woven throughout this work, descends from Hereditary Chiefs of the sqʷaliʔabs/Nisqually, Puyallup, and Kānaka maoli/Native Hawaiian Nations. It is a great blessing for his people, and because of the work I do, a great blessing for me, that the cultural and spiritual knowledge of three of his four grandparents was recorded and published by anthropologist Marian Smith in her study *The Puyallup-Nisqually* (1940). In this work, I draw on some of the knowledge shared by salətˀuƀqẏ̓ Leonard Squally's grandparents, Peter and Alice (Jackson) Kalama, and Elizabeth Annie (Lopeton) Squally with Marian Smith in the closing years of their lives in order to give you a sense of how the people

lived prior to the second capsizing[10] of the world of the ʔaciɬtalbixʷ/First Peoples of Puget Sound under Settler colonialism. Smith asserted that at the time of her fieldwork in the mid-1930s:

> Puyallup-Nisqually culture is gone. With the exception of a small group who still live on what is left of the Nisqually reservation, the people own their homes and are scattered among rural and urban whites from whom they can scarcely be distinguished. If the old life has come alive again, and to me it certainly seems most vivid, it is due to the real and intelligent interests of my informants [Smith 1940:xi].

It is undoubtedly true, as will be recounted throughout this dissertation, that incredible and often devastating changes had been wrought in peoples' lives throughout Puget Sound due to the active efforts of federal and Christian assimilationists to destroy ʔaciɬtalbixʷ/First Peoples' systems of governance, spiritual praxis and land tenure, as well as their languages, subsistence strategies and sacred responsibilities within their sentient homelands. It is not entirely true, however, to say that "Puyallup-Nisqually culture is gone."

Teachings have been continued to be passed down, within certain families in particular, ways of living sustainably on the region's incredible bounty persist and, in the case of salətˀuɒ̓qɏ̓ Leonard Squally and his family, traditional spiritual teachings and practices are still very much alive. salətˀuɒ̓qɏ̓ Leonard Squally is the only living sqʷaliʔabs/Nisqually Tribal member who is an adherent and practitioner of Seowin; an ancient spiritual society which has never "disappeared" but which, necessarily owing to its being outlawed, went underground for a time. As someone who has been given the great gift of being asked by salətˀuɒ̓qɏ̓ Leonard Squally to bring him to the House of Sla'nay of the tuwaduq/Skokomish Nation, and be witness to the strength, richness, and vitality of the teachings shared within that house, and the power of

[10] I use the term "capsizing" because it is such a profoundly accurate Indigenous metaphor for the transformations wrought by the newcomers. The tuwadqutSid/Skokomish language word sp'əlǎč (capsize, capsizing) is used to refer to both the transformations that occurred during ancient times as the world was being prepared for humans, as well as the upending of the ʔaciɬtalbixʷ/First Peoples' world after the arrival of King George men (British) and Bostons (Americans) (Henry Allen quoted in Elmendorf 1993:115).

the work of the people of that house, I can assure you that these teachings, practices, and gifts are very much alive.

This does not mean, however, that I will share the details of those experiences publicly, particularly within the context of a dissertation that will be available for anyone with access to the right database to read and draw from in their own work. I will share what I have learned about sharing those experiences instead. A number of ʔaciɬtalbix$^{w}$/First Peoples' Nations within the Puget Sound region of Washington State, are currently taking a proactive approach to the protection and utilization of their wealth of their cultural and spiritual knowledge. Among these nations are the Tulalip Tribes, descendants of, and successors in interest to, the Snohomish, Snoqualmie, Skykomish, and other allied Tribes and Bands signatory to the 1855 Treaty of Point Elliot. The Tulalip Tribes drafted the *Statement by the Tulalip Tribes of Washington on Folklore, Indigenous Knowledge, and the Public Domain*, provided to the United Nations Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore (2003). Within this statement, the Tulalip Tribes share the understanding that:

> In indigenous cosmology, knowledge is a gift from the Creator. There is no clear distinction between sacred and other kinds of knowledge […] Indigenous peoples have collective systems for using the Creator's gifts, and these generally have complex systems of regulating the use of knowledge, in which some knowledge may be held by individuals, clans, or other groups […] There is no public domain in traditional knowledge […] Although individuals might hold knowledge, their right is collectively determined, and it is rare that individuals have the right to use knowledge in a free and unconstrained manner. They are bound by the laws of their tribe and of the Creator [Tulalip Tribes 2003:2].

Even when knowledge has been shared in a public setting, such as a classroom, this does not imply a right for the listener to use this knowledge, or even repeat it, in whichever way they choose (Tulalip Tribes 2006). It is my concern with misuse of cultural knowledge and the

potential to cause harm, along with my understanding of the existence of ancient and highly complex knowledge ownership and sharing protocols in the region, that prompted me to devote a great deal of careful thought and attention to the materials from which I have chosen to draw, and to how much knowledge to share from the works that I have chosen.

> Indigenous peoples widely reject the legal concept that knowledge "already readily available to the general public" is in the public domain or can be exempted from their prior informed consent. They believe their knowledge and fundamental identity is regulated by customary law and tribal traditions […] They are also concerned that provisions protecting a public domain in "traditional knowledge readily available to the general public" goes too far in codifying a past history of injustice and non-recognition of prior rights [Tulalip Tribes 2006:8].

Like many Indigenous Nations, the numerous Nations of this region have first-hand experiences with biopiracy[11] and the theft of knowledge from deeply private domains at the hands of many academic and scientific researchers (Thrush and Ludwin 2007). As a Kanien'keha:ka/Mohawk anthropologist and a human being, I refuse to be a part of this history of exploitation and its contemporary manifestations.

Much of what has been published by academic and scientific researchers on ʔáciɬtalbix$^{w}$/First Peoples should never have been placed into print and made available for public consumption, according to the teachings that have been shared with me. Additionally, a great deal of what has been published is inaccurate, and many of these inaccuracies are deeply offensive. I have therefore made a conscious decision to avoid the use of the main body of published work that comprises the canon of Northwest Coast Anthropology. While a number of Northwest Coast-focused anthropologists, ethnologists, ethnomusicologists, ethnobotanists, and ethnographers gathered knowledge, and recorded language and songs, from which contemporary cultural practitioners sometimes draw, for someone such as me to turn to these anthropological,

[11] Biopiracy is "the illegal appropriation of life—microorganisms, plants, and animals (including humans)—and the traditional cultural knowledge which accompanies it" (Global Exchange [cited in DeGeer 2002:179]).

or other academic, sources can be dangerous. I have therefore specifically sought the advice of members of certain families known widely throughout the region as having a great wealth of cultural and historical knowledge, regarding how to tread with materials that have been published, or that are otherwise available to the public. Should the reader be interested in learning more about these cultural and spiritual practices, knowledges, and gifts, allow me to suggest that rather than turning to these published sources, you actually talk with living cultural practitioners. Always remember, however, that the world is not an open book. Whether it is within the same family, within a Nation, or between different Nations and cultures, some knowledges are just not meant to be shared widely, or even, in certain cases, beyond the individual and his or her spiritual helper(s). I am also here reminded of something that subiyay Bruce Miller shared in a documentary about his life, *The Teachings of the Tree People: The Work of Bruce Miller* (Islandwood Productions/Longhouse Media 2005): "Don't teach them all the same thing. If you teach them everything all the same, they won't need one another and the world will split apart."

Additionally, there is a limit to my ability to specifically articulate sqʷaliʔabs/Nisqually knowledge/praxis systems as I understand them. The published materials pertaining specifically to sqʷaliʔabs/Nisqually peoples are not organized in such a way that the holism of the systems is evident. As Taiaiake Alfred asserts, "It is the dynamic interaction between the individual and the group that creates Native American cultures, and this interaction cannot be replicated or properly expressed by a single person 'objectively' studying isolated parts of the reality" (Alfred 1999: xiv). Bits and pieces of Coast Salish holistic living systems are referenced in anthropological works and, in the case of Smith (1940), draw on the knowledge of peoples who maintained a

deep connection with these ancestral lifeways. Smith, however, worked within the framework of salvage ethnography, an anthropological approach which was based on the:

> needs [sic] of recovery and preservation, of salvage in the face of impending extinction of peoples and their cultures dictated much that was to become anthropology both as a science and as a view of man…*The loss of man on the frontier of civilization:* How constant a theme in anthropology! The savage was the vulnerable party; it was he who was constantly the focus of salvage ethnography […] Here savagery met civilization, the presumed past met the present, stability met change [Gruber 1970:1296-1297; emphasis in original].

The anthropological lens of salvage ethnography employed by Smith distorts to a great extent the interconnectedness of the elements of the living and constantly adapting sqʷaliʔabs/Nisqually ecosocial system. Because of the great wealth of knowledge maintained by salətʼuṗkʷ Leonard Squally's grandparents, however, Smith's ethnography remains a vital source of recorded teachings.

Similarly, anthropologist T.T. Waterman's (2001[1920]), *Puget Sound Geography* provides a wealth of geographical knowledge and is drawn upon (albeit critically) as a resource by a number of culture and language experts amongst the ʔáciɬtalbixʷ/First Peoples of the region. How deeply Waterman's information is relied upon by local cultural experts depends in great part upon who the sources of his information were, as expressed to me by ɖᶻahɖᶻahlahk Cecilia Gobin, a member of a prominent sduhúbš/Stohobsh family within the Tulalip Tribes (personal communication 2011). Fortuitously, Waterman gained much of his knowledge of place names throughout the southern Puget Sound from salətʼuṗkʷ Leonard Squally's paternal grandfather David Squally who, along with salətʼuṗkʷ's other grandparents were among the most culturally and historically learned Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples of their generation.

More recent works written by the late sqʷaliʔabs/Nisqually Tribal historian Cecilia Carpenter contain similarly disarticulated references to parts of this holistic system. Carpenter, who became enrolled as a Nisqually Tribal member as an adult in the 1970s, spent the last decades of her life trying to protect the gravesites and places of historical importance to sqʷaliʔabs/Nisqually peoples. Cecilia Carpenter, however, was not raised within the community, and was not immersed in ancient sqʷaliʔabs/Nisqually cultural and spiritual teachings, thus limiting the utility and accuracy of her works as indicated to me by salətʼuƀkʷ Leonard Squally. Despite this fact, Carpenter's works are drawn upon by historians, archaeologists, and anthropologists working within the realm of cultural resources management within the ancestral village landscape of sčəgʷaliču/Sequalitchew. The fact that Carpenter was not raised immersed in traditional teachings has unfortunately, and through no fault of her own, contributed to the destruction, and proposed and pending destruction, of sites of great spiritual importance and power, as will be discussed in later chapters.

Anthropologist Brian Thom, in his work with Elders from amongst the Nations comprising the Hul'qumi'num Treaty Group in northern Coast Salish territories, has written a rich ethnography of Coast Salish dwelling and senses of place (Thom 2005). Cautioning that specific teachings shared by his collaborators are not applicable outside of their personal, lineage-based, and community-specific contexts, Thom nevertheless asserts that while there is great linguistic and cultural diversity among Coast Salish ʔaciɬtalbixʷ/First Peoples, "clear themes of myth, kinship, morality, property and experience resonate throughout the Coast Salish world and […] very similar perspectives on the ontological and epistemological basis of dwelling would be gained throughout these communities" (Thom 2005:46). The wealth of Coast Salish ʔaciɬtalbixʷ/First Peoples' cultural and spiritual knowledge shared with Thom contains a

great number of highly sensitive and proprietary cultural teachings. I draw somewhat sparingly from his text, knowing that many teachings of this nature have not been shared freely with me personally by living practitioners over the course of the past ten years. I was provided advice and guidance in my choice of excerpts from Thom (2005) by sm3tcoom Delbert Miller, who served as a cultural advisor to me in the context of this work.

The Elders and cultural teachers who shared their knowledge with Thom did so mainly in the context of land claims under current adjudication. salət̓uṗkʷ̓ Leonard Squally has shared his knowledge with me largely within the context of his efforts to protect the graves of his ancestors and the places which have sustained his people since time immemorial. Difficulties inevitably arise when attempting to provide insights into a living holistic cultural system intertwined with an Indigenous language epistemology while being limited to the use of the English language and academic anthropological and legal discourse. "How can one understand the meaning of oral traditions when they are told in frameworks based in the languages, assumptions, root metaphors and discursive conventions of cultural traditions entirely different from one's own? Is it possible within any given telling from such traditions across sharp cultural divides?" (Thom 2005:77-78). Despite the fact that salət̓uṗkʷ̓ Leonard Squally and I both live according to ontologies which recognize the sentience of other beings and our responsibilities to those beings, and that perhaps the cultural divide between us is less marked than that between Thom and the people who shared their knowledge with him, my ability to comprehend ancient Coast Salish ʔaciɬtalbixʷ/First Peoples' cultural and spiritual teachings is necessarily limited.

Nevertheless, it is my responsibility to salət̓uṗkʷ̓ Leonard Squally—a responsibility by which I am deeply humbled—to attempt to share these teachings as he understands and lives them. This dissertation is not an attempt to provide a balanced and 'unbiased' treatment of these

issues, if such a thing were even possible. This work is an enactment of my responsibilities to an Elder who has shared the past ten years of his life with me as a deeply treasured member of my extended family. "The personal nature of the universe demands that each and every entity in it seek and sustain personal relationships" (Deloria and Wildcat 2001:23). This imperative of establishing relationships, and maintaining accountability within those relationships, is at the heart of a form of Indigenous research wherein:

> The ontology and epistemology are based upon a process of relationships that form a mutual reality. The axiology and methodology are based upon maintaining accountability to those relationships […] An Indigenous research paradigm is relational and maintains relational accountability […] The more relationships between yourself and the other thing, the more fully you can comprehend its form and the greater your understanding becomes…So the methodology is simply the building of more relations […] The responsibility to ensure respectful and reciprocal relationships becomes the axiology of the person who is making these connections [Wilson 2008:70-71, 79].

It is axiology, or the moral and ethical framework that guides the search for knowledge, to which I give primary attention in this work. Axiologies premised upon relational accountability are necessitated by ontologies and epistemologies which arise from the lived relationships of Indigenous peoples within their sentient ancestral homelands.

For many Indigenous peoples, the generation of knowledge and determinations about its validity are not limited solely to empirical observation, although empirical observation is one cornerstone of Indigenous knowledge systems. As Kānaka maoli/Native Hawaiian scholar Manulani Aluli Meyer relates, for many Indigenous peoples, "Our thinking body is not separate from our feeling mind. *Our mind is our body. Our body is our mind.* And both connect to the spiritual act of knowledge acquisition" (Meyer 2008:223; emphasis in original). Using the template of mind, body, and spirit with which to organize research "asks us to extend through our objective/empirical knowing (body) into wider spaces of reflection offered through conscious subjectivity (mind) and, finally, via recognition and engagement with deeper realities

(spirit)" (Meyer 2008:224). Many contemporary Indigenous researchers maintain that "research is a ceremony. The purpose of any ceremony is to build stronger relationships or bridge the distance between aspects of our cosmos and ourselves. The research that we do as Indigenous people is a ceremony that allows us a raised level of consciousness and insight into our world" (Wilson 2008:11). Approaches to academic research which are based around mind/body dualism without the consideration of spiritual and esoteric forms of knowledge have:

> caused untold horror and helped create a rigid epistemology we now assume cannot evolve […] Life *is* found in dual forms, but as we gather evidence from all sectors of world scholars, mystics, and practitioners, we are discovering that life moves within a *context of dynamic consciousness* that synergizes with Aristotle's highest intellectual virtue he referred to as phronesis [Meyer 2008:225].

It remains a struggle, however, for researchers seeking to undertake a more holistic approach to the generation and dissemination of knowledge to actualize these ways of knowing and being within the confines of the academy:

> Sadly, the legacy of racialization and its ideology continue to reshape knowledge construction of Indigenous Peoples via colonial research ontologies, epistemologies, and axiologies, which are so fundamentally subtle and "common sense." Aboriginal researchers who wish to construct, rediscover, and/or reaffirm Indigenous knowledges must function in traditions of classical epistemological methods of physical and/or social sciences [Rigny 1999:114].

The epistemological and ontological violence to which Indigenous researchers and scholars are often subjected within the academy in response to efforts to actualize our ontologies, epistemologies, and axiologies as the bases for knowledge production and dissemination must be resisted and dismantled if research is to become a tool of empowerment for Indigenous peoples.

Maori researcher Linda Tuhiwai Smith (1999) propose that Indigenous scholars should engage in a "'local' theoretical positioning" that enables the researcher to draw on her very own "specific historical, political, and social context" to develop an embedded critical theory (Smith 1999:186). It is only in this way, Smith argues, that "oppressed, marginalized, and silenced

groups" will gain something from research and from the knowledge created thereby (Smith 1999:186). This 'local' theoretical positioning is a hallmark of Indigenist research. The concept of Indigenism, or *indigenismo,* found its earliest written articulations within the works of Mexican anthropologist and activist Guillermo Bonfil Batalla (Keshana 2008). While the concept of *indigenismo* has come to be critiqued as being top-down and colonialist (Devon Peña, personal communication 2012), Batalla's work has been drawn upon within the context of the United States by Churchill (2008[2000]) as one of the bases for his articulations of what it means to be Indigenist. Churchill, in defining his understanding of his own Indigenist outlook, states that:

> By this, I mean that I am one who not only takes the rights of indigenous peoples as the highest priority of my political life, but who draws upon the traditions—the bodies of knowledge and corresponding codes of value—evolved over many thousands of years by native peoples the world over. This is the basis upon which I not only advance critiques of, but conceptualize alternatives to the present social, political, economic, and philosophical status quo. In turn, this gives shape not only to the sorts of goals and objectives I pursue, but the kinds of strategy and tactics I advocate, the variety of struggles I tend to support, the nature of the alliances I am inclined to enter into, and so on [Churchill 2008[2000]].

While I agree with Churchill's definition to a great degree, my use of the term Indigenist within this work arises from articulations of the concept specifically from within an Aboriginal Australian context in relation to Indigenist research methodologies (Rigny 1999).

In Lester-Irabinna Rigny's (1999) earliest writings on the subject, he maintains that Indigenist research is research undertaken based on the principles of resistance as an emancipatory imperative; embodying political integrity in Indigenous research, and the privileging of Indigenous voices. Rigny maintains that, "Indigenist research is carried out by Indigenous Australians whose primary informants are Indigenous Australians and whose goals are to serve and inform the Indigenous liberation struggle to be free of oppression and to gain

power" (Rigny 1999:118). I do believe that research undertaken within Indigenous communities is best undertaken by researchers originating from within those communities or by culturally-attuned Indigenous researchers from other communities. However, I follow Shawn Wilson (personal communication 2009)[12] in advocating that Indigen*ist* research methodologies be employed to the greatest extent possible by all researchers working within Indigenous communities. Wilson also asserts that while Indigenist research may turn to non-Indigenous paradigms for support, "this support is not for external validation but rather as a complementary framework for accepting the uniqueness of an Indigen[ist] research paradigm" (Wilson 2008:16). Quandamooka researcher Karen Martin maintains that:

> Indigenist research must centralise the core structures of Aboriginal ontology as a framework for research if it is to serve us well. Otherwise it is western research done by Indigenous people. Why ontology? It is through ontology that we develop an awareness and sense of self, of belonging and for coming to know our responsibilities and ways to relate to self and others [Martin 2003:5-6].

While acknowledging the great diversity of Indigenous peoples around the world and within North America, it can be readily said that many Indigenous peoples live within ontologies which are relational and which focus on our interdependence and interrelatedness with the beings with whom we share our homelands and waters, and with these sentient homelands and waters themselves.

salətˀuɬkʷ Leonard Squally maintains a relational ontological orientation, embodied within the ancestral teachings of Seowin by which he lives his life. The violences of Settler colonialism through which sqʷaliʔabs/Nisqually peoples have persisted, detailed throughout the

[12] Shawn Wilson visited the University of Washington in 2009 as the keynote speaker at an annual symposium of Indigenous research and scholarship hosted by the graduate student organization Native American Students in Advanced Academia (NASAA, now the Native Organization of Indigenous Scholars [NOIS]), of which I served as one of the Presidents. Shawn shared with many of us his thoughts on encouraging all researchers to embrace the concept of research as ceremony, and offered the self-critique that he would now use the term Indigenist research rather than Indigenous research.

chapters of this work, have wrought countless changes to the ways in which many sqʷaliʔabs/Nisqually people understand themselves as human beings. Carrying the ancestral teachings passed on to him by his family, and practicing the ancient ways of Seowin, salətˀuɬkʷ Leonard Squally and his family stand seemingly alone at times in their efforts to protect ancestral gravesites and places of cultural and spiritual importance. I have been an advocate for community-based forms of research undertaken with and within Indigenous communities since first learning of this emerging body of (largely health-related) scholarship. In a situation such as this, however, the actions, and inaction, of the Nisqually Tribal Council indicate that, should their approval have been sought to undertake this work with Elder and Hereditary Chief salətˀuɬkʷ Leonard Squally it would most likely have been denied. "[A]ctivists for social and environmental justice face a challenging question about who has legitimate rights to realize tribal sovereignty," highlighting issues pertaining to the procedural inequities inherent within the majority of contemporary tribal decision-making processes regarding environmental and cultural resources related issues (Ishiyama and TallBear 2001:132). These issues of procedural injustice, and the attendant silencing of salətˀuɬkʷ Leonard Squally, are embodied within Nisqually Tribal Council decision-making regarding the protection of ancestral gravesites, places of power, and sentient landscapes within sčəgʷaliču/Sequalitchew will become evident throughout this work.

Like many other Indigenous researchers, one of the goals of my work is to contribute to the expansion of "our understanding of spirituality as it takes its place as a legitimate form of struggle in the production of knowledge and practices of qualitative research" (Dillard 2008:277-278). In undertaking research of this nature, I maintain, along with Dillard (2008) that:

> First of all, *one must be drawn into and present in a spiritual homeland* […] *Second, one must be engaged with/in the rituals, people, and places* […] *in intimate and authentic*

> *ways.* Finally, regardless of positionality, *one must be open to being transformed by all that is encountered and recognize those encounters as purposeful and expansive,* as healing methodologies [Dillard 2008:287; emphasis in original].

Despite the hegemonic power of western ways of seeing and being in the world that have come to be lived within the Puget Sound region, the most powerful places within Coast Salish sentient landscapes "are so strong that they can reach across ontological and cultural divides and may be experienced by anyone dwelling in the Coast Salish world" (Thom 2005:183). Again, I offer you the words of Shawn Wilson:

> I hope that you will come to see that research is a ceremony. The purpose of any ceremony is to build stronger relationships or bridge the distance between aspects of our cosmos and ourselves. The research that we do as Indigenous people is a ceremony that allows us a raised level of consciousness and insight into our world. Let us go forward together with open minds and good hearts as we further take part in this ceremony [Wilson 2008:11].

I am still new to my re-awakening to the beauty of this life; still in the process of healing from my own self-inflicted psychic wounds and those which I have personally survived or inherited. I undertake this work with the intent to contribute to the healing and resilience of sqʷaliʔabs/Nisqually peoples, as well as to myself and Indigenous peoples around the world; working through the anger and anxiety that builds in me upon recounting this history of genocide and its contemporary manifestations. I humbly pray that I walk this path with dignity, strength, and gratitude for all that has been shared with me.

Chapter 1 of this work, The Great Wealth of the sqʷaliʔabs/Nisqually Peoples, is an attempt to weave together my understandings of sqʷaliʔabs/Nisqually and Coast Salish ʔaciɬtalbixʷ/First Peoples' cultural, geological, and ecological knowledge with Settler scientific and social scientific understandings of the Puget Sound bioregion and the peoples and beings Indigenous to this region. I attempt this interweaving in order to provide insights into the relationships between geological processes and formations, watershed-based ecosystems, and the

sqʷaliʔabs/Nisqually cultural teachings, histories, and spiritual practices in which people engage within these ancestral landscapes. This interweaving also illustrates that within sqʷaliʔabs/Nisqually and Coast Salish ʔaciɬtalbixʷ/First Peoples nations and communities, land tenure systems consist of "relationships between property, territory and the distinctive social structures and ontologies which are rooted in distinctive Coast Salish attachments to land" (Thom 2005:281). A more nuanced understanding of Coast Salish land tenure systems enables us to more deeply reflect on the devastating effects of dispossession on the well-being of sqʷaliʔabs/Nisqually peoples, as well as providing a sense of one potential path to healing and recovery from these traumas and genocides.

The interweaving of these knowledges also provides insights into the profoundly sacred and powerful nature of certain terrestrial and marine areas and geological formations and processes within the greater sqʷaliʔabs/Nisqually usual and accustomed territory broadly and, more specifically, within the sčəgʷaliču/Sequalitchew ancestral landscape which is the primary focus of this work. The great depth of the historical, cultural, and spiritual significance of this landscape has never been adequately considered within any archaeological, environmental, historical, or anthropological study undertaken with regard to this landscape. Therefore, this significance has never been adequately considered within federal, state, or local historic preservation processes which pertain to the potential impacts of disturbance within this landscape, nor with regard to federal and state recognition of sqʷaliʔabs/Nisqually land tenure and treaty-protected inherent rights and responsibilities, as will be discussed in later chapters.

In Chapter 2, Questionable "Discoveries" and Settler Colonialism, I examine the foundations of American genocide, rooted in the European Doctrine of Discovery and legitimated over time through the promulgation of Settler colonial structures of racial domination

and exploitation. Central to this analysis are Wolfe's (2006) logics of elimination and Galtung's (1969) triangle of cultural, structural, and direct violence which serves as justification and milieu for Indigenous political, cultural, and spiritual subjugation under Settler colonialism. Part I pertains to the "discovery" of Puget Sound ʔaciɬtalbix$^{w}$/First Peoples' homelands and waters by George Vancouver and other European and American invaders and the genesis of British and American exploitation of the region and its peoples. The deployment of the doctrine of discovery by European colonial powers and its adoption by the American judicial system have served to render Indigenous peoples as racially and politically subordinate in order to dispossess us from our sentient ancestral landscapes. Part II pertains to the beginnings of the local American genocide through the theft of sq$^{w}$aliʔabs/Nisqually homelands, the imprisonment and starvation of sq$^{w}$aliʔabs/Nisqually peoples in prison camps, the creation of the reservation system and the rendering of sq$^{w}$aliʔabs/Nisqually land tenure systems as *bare habitance,* and the murder of beloved sq$^{w}$aliʔabs/Nisqually leaders. These crimes are originary to the colonial domination of sq$^{w}$aliʔabs/Nisqually and other Puget Sound ʔaciɬtalbix$^{w}$/First Peoples by American invaders and continue to reverberate today.

In Chapter 3, *"I guess I will have to give my hat up,"* I begin with an emic recounting of the Medicine Creek Treaty Council. Drawing on the words of witnesses recorded a half-century after the council, I illustrate how Puget Sound Coast Salish ʔaciɬtalbix$^{w}$/First Peoples were dispossessed through fraud. The testimony of these witnesses also provides insights into the expectations of Indigenous treaty council attendees; expectations which have never been fulfilled. These expectations, however, are important for understanding how the federal courts interpret treaty provisions. I also recount some of the history of the thirteen month imprisonment of sq$^{w}$aliʔabs/Nisqually peoples, focusing on how the architects of structural violence engage in

various tactics of historical distortion and erasure in order to attempt to retroactively "justify" their crimes. An examination of the theft of the She-nah-num Reservation, the placement of the upriver Nisqually Reservation within the Puget Sound Agricultural Company [PSAC] land claim, and the theft of the Puyallup Reservation illustrates how the Settler colonial state attempts to manufacture its geopolitical jurisdictional coherence through the recasting of reserved communal lands as commodity via the processes of legislative dispossession and allotment. This jurisdictional imaginary also plays out in relation to the very bones of Indigenous ancestors; the genocidal act of desecration being central to both the creation and maintenance of a distinctly American identity and the continued dehumanization of Indigenous people upon which the imaginary relies. The Settler colonial jurisdictional imaginary, while an illusion, has very tangible impacts on Indigenous land tenure systems, as well as the ecologies of sentient landscapes, as illustrated by the changes in their composition resulting from enclosure. The Settler colonial reconfiguration sqʷaliʔabs/Nisqually political, spiritual, and subsistence systems through numerous policies of forced assimilation, and resistances to these attempts at ethnocide and genocide, is recounted through glimpses into the life of salətʼuṗkʷ Leonard Squally's maternal grandfather, Peter Kalama.

Chapter 4, "*They preferred homes elsewhere*," consists of three sections detailing events unfolding within the sqʷaliʔabs/Nisqually homelands in the first half of the twentieth century. Part I, The Condemnation, recounts the history of the theft of the eastern two-thirds of the Nisqually Reservation and enclosure of the remainder of the sčəgʷaliču/Sequalitchew ancestral landscape. For Agamben (2003), the state of exception[13] is characterized by the denial of rights of citizenship for those rendered as bare life. As the recounting of this history demonstrates

[13] Agamben (2003:n.p.) defines the state of exception as the "suspension of the whole juridical order itself which marks it for the limits, the threshold of the juridical order."

however, Agamben's work serves to naturalize the functioning of Settler colonialism within which imposed citizenship is an inherent part of the state of exception for Indigenous peoples within the American Settler colonial order. In recounting this history, the seemingly disparate logics of Settler colonial elimination are rendered apparent within the peculiar state of exception into which Indigenous peoples have been forced through the delegitimation of Indigenous systems of land tenure and governance and the imposition of citizenship status within the Settler colonial state.

Part II, Renewal, recounts the birth and childhood of salətˀuɬkʷ Leonard Squally, who came into this world during a time of great transition for his people. Through salətˀuɬkʷ's memories, we are given a window into life on the Nisqually Reservation in the years immediately following the enactment of the Indian Reorganization Act [IRA] of 1934, which is also the year of his birth. Steeped in the intergenerational knowledge of his family and filled with the same fires of resistance that burned within his grandfather, salətˀuɬkʷ Leonard Squally would come to know himself within the greater context of sqʷaliʔabs/Nisqually resilience in the face of genocide. In Part III, Reconfiguration, I provide a brief exploration of the Termination Era in federal Indian policy and the judicial redefinition of Indigenous property rights, and further delegitimation of Indigenous land tenure systems, by the Indian Claims Commission. Combined with these devastating policies and court decisions, the accelerated physical destruction of the greater Nisqually River watershed in the Post World War II era and the impairment of treaty-protected rights and responsibilities in relation to the salmon fisheries during this era posed entirely new threats to the very survival of sqʷaliʔabs/Nisqually peoples.

Chapter 5, The Delta Blues, is also in three sections. In Part I, The Indian Claims Commission and Bare Habitance, I recount the Nisqually Tribe's ICC Claim, examining the

delegitimation of Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples' lineage-based land tenure systems through the application and manipulation of ICC-defined category terms and categories of land tenure and eligible claimants. These concepts rendered the theft of the vast majority of the sqʷaliʔabs/Nisqually homelands, inclusive of the sacred landscapes of sxʷdaʔdəb/Medicine Creek and sčəgʷaliču/Sequalitchew, as non-compensable to the Nisqually Tribe. Part II, The Fish Wars, details the legislative, juridical, and physical assaults on sqʷaliʔabs/Nisqually peoples and their treaty-protected rights and responsibilities. Through strategically deploying the rhetoric of "equal rights," the State of Washington and its citizens freely engaged in acts of genocide and ethnocide against sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples throughout the state in interfering with their inherent rights to subsistence and inherent responsibilities to contribute to the maintenance of ecological health. I recount stories of resistance to the illegal and often violent assertions of state police power by salətˀuƛ̓kʷ̓ Leonard Squally and other Indigenous fishermen and women throughout the Puget Sound. This resistance soon coalesced in great part with the nationwide Red Power movement and partnered to an extent with the contemporaneous civil rights movement, casting the national spotlight on local struggles with broad ramifications for Indigenous rights. Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples' insistence on the recognition of treaty-protected inherent rights as impervious to regulation by the State of Washington resulted in a number of landmark federal court decisions which continue to generate subproceedings and appeals, as well as guide many environmental protection efforts, in the present day.

Part III, Developments in the Delta, examines some of the intensive federal and state efforts initiated in the 1960s and 1970s to address the increasingly obvious and often devastating effects of rapid and poorly planned development, industrialization, and urbanization on

ecological health and a variety of endangered "resources" including sites of historic significance. In the midst of these efforts, plans began to be articulated for the industrial exploitation of the Nisqually Delta and its many historically, culturally, and spiritually significant sqʷaliʔabs/Nisqually places and landscapes. The tightening of development regulations and the identification of significant archaeological sites, both sqʷaliʔabs/Nisqually and Settler, likely contributed to the DuPont Company's decision to sell the Powder Works Property to the Weyerhaeuser Corporation in 1976. Rather than be deterred by the newly enacted federal and state restrictions on unfettered development, Weyerhaeuser would come to sčəgʷaliču/Sequalitchew with plans for the transformation of the sentient ancestral village landscape into a major shipping port and log export facility adjacent to the newly-designated Nisqually National Wildlife Refuge in the heart of the stolen sqʷaliʔabs/Nisqually homelands.

In Chapter 6, State and Corporate Logics of Settler Colonial Elimination, I detail Weyerhaeuser's efforts to exploit the deepwater inlets of the greater Nisqually Delta. The corporation, in partnership with Burlington Northern, proposed industrial development within the sqʷaliʔabs/Nisqually ancestral village landscapes of sxʷdaʔdəb/Medicine Creek, stɑtcás/South Bay, and tᵘtsʼétcaxɬ/Henderson Inlet in the western Delta at the same time as it began to seek approvals for its massive log export facility within sčəgʷaliču/Sequalitchew in the eastern Delta. I discuss how, when faced with numerous environmental protection statutes and legal challenges over the facility, Weyerhaeuser and the City of DuPont developed and implemented strategies to circumvent more stringent review of the proposed project. Knowing the historical and cultural significance of both the sčəgʷaliču/Sequalitchew ancestral landscape to sqʷaliʔabs/Nisqually peoples, and the importance of Settler sites within regional and international history and faced with growing Tribal and public interest in protecting these places, Weyerhaeuser at this time

began to contract with the first of numerous cultural resources management firms in order to document the presence of sites within portions of sčəgʷaliču/Sequalitchew under their ownership. This first survey, undertaken by National Heritage, Inc. in 1977, identified twenty-six sites, nine of which (including three gravesites) were ancient sites of cultural and historical significance to sqʷaliʔabs/Nisqually peoples. As will become evident, this survey was both woefully inadequate and contained inaccurate information which continues to be relied upon within archaeological compliance studies. Realizing the extent of cultural deposits buried across the entire expanse of the property, Weyerhaeuser entered into an agreement with the Nisqually Tribe regarding the proposed treatment of ancestral human remains and archaeological sites that could potentially be impacted by the construction of the facility.

As legal wrangling over the planned log export facility reached a fever pitch, federal court decisions pertaining to salmon allocation and treaty-protected implied rights to habitat protection, the Nisqually Tribe suddenly found itself in a position from which it could better leverage their treaty-protected rights within efforts towards environmental protection. Weyerhaeuser was forced to alter its plans for the dock portion of its export facility and, after receiving all of the necessary approvals, suddenly abandoned these plans and proposed to build a planned mixed-use development in its stead. Weyerhaeuser also began to sell and lease lands to the Lone Star Sand and Gravel Company, successor in interest to the Seattle Sand and Gravel Company which had been extracting aggregate from this landscape since the late 1800s. Despite the fact that evidence was amassing that the DuPont Powder Works had left its toxic footprint on this sacred landscape, Weyerhaeuser continued to press its residential and commercial development plans. As construction of the Northwest Landing mixed-use development

commenced, workers under contract with Weyerhaeuser committed the first of countless documented and undocumented acts of graves desecration. As Alfred and Corntassel tell us:

> Contemporary Settlers follow the mandate provided for them by their imperial forefathers' colonial legacy, not by attempting to eradicate the physical signs of Indigenous peoples as human *bodies*, but by trying to eradicate their existence as *peoples* through the erasure of the histories and geographies that provide the foundation for Indigenous cultural identities and sense of self [2005:598].

The unearthing of sqʷaliʔabs/Nisqually ancestral human remains prompted the corporation to enter into an agreement with the Nisqually Tribe to establish a cemetery for the reburial of these desecrated ancestors, but did not compel them to alter their plans. This would only be the beginning of this particular form of Settler colonial structural genocide, manifest in the Weyerhaeuser-sponsored destruction of ancestral gravesites and places of great historical, cultural, and spiritual significance to sqʷaliʔabs/Nisqually peoples.

In Chapter 7, Growth Machines, Settler Anxieties, and the Making of Northwest Landing, I provide insights into the processes leading to the commencement of widespread ground disturbance within the sčəgʷaliču/Sequalitchew ancestral landscape. Tribal and public concern over the disturbance of this landscape continued to grow, resulting in a 1989 cultural resources management agreement between the State Historic Preservation Office, Weyerhaeuser, and the City of DuPont which would prove to be inadequate to protect countless additional graves and sites from destruction. During 1989 and 1990, state and federal statutes pertaining to the protection of Indigenous gravesites, the repatriation of human remain, sacred items, and items of cultural patrimony were enacted, along with federal regulations being promulgated which pertain to the evaluation of a newly-defined category of cultural resources called Traditional Cultural Properties, a great number of which can be found within and surrounding sčəgʷaliču/Sequalitchew yet have never been documented as such. The strengthening of state and

federal cultural resource and ancestral gravesite protections did not deter the Lone Star Sand and Gravel Company from seeking approvals for the construction of a massive gravel mining and barge transshipment facility within a portion of the sčəgʷaliču/Sequalitchew ancestral landscape north of the creek.

Unmonitored ground disturbance through stopgap toxics cleanup efforts continued to take place prior to the undertaking of any comprehensive risk assessments and without state or federal environmental or cultural resource protection compliance being enforced. Additionally, I discuss how monitored ground disturbance was doing little to protect sqʷaliʔabs/Nisqually sites and ancestors; a mass desecration of twenty-eight burials unfolding in 1991. Documented and probable desecrations continued throughout the early 1990s as Weyerhaeuser expanded its construction efforts in Northwest Landing over Tribal objections. Various compliance documents and plan approvals for the Lone Star Sand and Gravel mining and shipment facility came under fire during numerous administrative and judicial proceedings, ultimately leading to the development of various settlement agreements in the mid-1990s which ultimately resulted in project approval.

In 1995, the draft studies pertaining to toxics remediation began to be released, and as part of cleanup efforts, Weyerhaeuser sought approval to construct a golf course as part of the toxics containment strategy. This same year, Weyerhaeuser, the City of DuPont, and numerous state and federal agencies began to collude in the fast-tracking of multiple devastating development proposals within sčəgʷaliču/Sequalitchew in the hopes of turning the city into an "urban growth machine" centered around the construction of a manufacturing plant by the Intel Corporation. Before announcing its plans to locate within the city, Intel demanded the construction of a new highway interchange, which was to be built atop an as yet unremediated

Superfund site within the boundaries of Fort Lewis. These overlapping and co-articulated projects would usher in a new period of transformation within this sentient landscape, seeking to suffocate the very breath of life with which it had been imbued during its creation.

In Chapter 8, "*I told 'em everything and they act like I make these things up,*" I continue recounting how these numerous projects unfolded, many becoming the subject of legal proceedings, most of which had no impact whatsoever on Weyerhaeuser's plans for sčəgʷaliču/Sequalitchew. I detail how cultural resource management compliance surveys continued, but to little actual effect in terms of on the ground protection of sqʷaliʔabs/Nisqually gravesites and sites of cultural and spiritual significance. The unmonitored ground disturbance of large areas of the former Powder Works property continued until these areas were deemed fit for industrial development, and there is no way of knowing how many ancestors and unrecorded sites had been disturbed by this work and reinterred on-site as "fill" or shipped off to toxics treatment facilities. In regard to recorded sites, a number of local historic preservation groups began to come together at this time and propose the nomination of a number of sqʷaliʔabs/Nisqually and Settler sites to the National Register of Historic Places as a National Historic District. Weyerhaeuser immediately objected and continues to object through the present day to this designation, despite the well-documented significance of these sites.

During this period, the Nisqually Tribe began to take a more proactive stance regarding the protection of ancestral graves and cultural sites, hiring salətʼuṗkʷ Leonard Squally and his colleague anthropologist Gilly Corwin as cultural resource monitors. They began to identify numerous gravesites within this landscape, and Weyerhaeuser soon began to actively interfere with the spiritual work that had been deemed essential to appeasing disturbed ancestors by denying access to portions of the property. The Nisqually Tribe was able to leverage their

objections to certain permits and force Weyerhaeuser into a bargaining position regarding the protection of sites and the hiring of a Tribal cultural resource monitor and a part-time Tribally-approved archaeologist. Despite provisions pertaining to Tribal monitoring being included in a new agreement between the Tribe and Weyerhaeuser, the remainder of the agreement effectively undermined the protection of cultural resources and ancestral gravesites within areas slated for toxics remediation.

In Chapter 9, He Knew Too Much, I discuss the Nisqually Tribe's surreptitious replacement of salətˀuɒkʷ Leonard Squally as cultural resources monitor, hiring a person who carries vastly less cultural, spiritual, and landscape knowledge than salətˀuɒkʷ. I discuss how the Tribe suddenly reversed its position regarding the protection of many sites significant to both sqʷaliʔabs/Nisqually peoples and archaeologists, and the newly-hired Tribal monitor and his assistants began to take an active role in the desecration of graves and destruction of cultural and historic sites. It was at this time that I began to work with salətˀuɒkʷ Leonard Squally as discussed earlier in the Introduction. It was also at this time that the required studies pertaining to toxics remediation began to be issued, long after massive ground disturbance had already taken place. The City began to release revised land use planning documents, and the Tribe filed objections with the City pertaining to one portion of the planned development. After numerous questionable administrative proceedings, the Tribe filed a Land Use Petition against the City in Pierce County Superior Court, arguing that environmental and cultural resources evaluation procedures pertaining to this small portion of the development had been inadequate. Weyerhaeuser eventually agreed to settle the suit and judging from the lack of subsequent compliance documents, the Tribe seems to have relented in its pressure to have sites protected. The subsequent discovery and destruction of an extremely significant multi-component

archaeological site within this portion of the project area indicates just how inadequate this settlement is in relation to the protection of places of significance to sqʷaliʔabs/Nisqually peoples. Additionally, I document ground disturbance taking place within other portions of this landscape which led to the desecration of numerous gravesites, with hundreds of whole and partial human bones being excavated and shipped to the Burke Museum at the University of Washington without salətˀuƀkʷ Leonard Squally's knowledge. While these ancestors were imprisoned in 2004, salətˀuƀkʷ came close to losing his life on Canoe Journey, as discussed earlier in this Introduction.

Plans began to solidify for the massive expansion of gravel mining operations, despite the fact that the Nisqually National Wildlife Refuge Boundary was at that same time expanded to include lands contiguous to one planned area of expansion. Part of the proposed expansion would rely on the dewatering of a local unconfined aquifer, severely impacting wetlands and glacial kettle lakes of deep spiritual significance which have never been identified in any cultural resource compliance documents as having any cultural significance. I recount how rapid transfers of land involved in the proposed expansion and recorded agreements pertaining to these transfers reveal that there is far more than gravel to be mined from this landscape. As it became apparent that the expansion plans contravened a 1994 Settlement Agreement, environmental groups who had been parties to the 1994 agreement invoked dispute resolution clauses, eventually leading to the drafting of a new agreement outlining various steps to be undertaken over the course of expansion planning, implementation, and site "restoration." While the Nisqually Tribe has been invited to provide input on project planning and compliance studies, they have not as yet been proactive in this regard. Only time will tell if the Tribe will come forward to protect the sanctity of the spiritually powerful landscapes. ancestral gravesites, and

sites of historical and cultural significance that remain at this time undisturbed within the planned expansion boundaries.

The violences and injustices through which the sqʷaliʔabs/Nisqually peoples have persisted since the second capsizing of the Coast Salish world are too innumerable to allow for a complete recounting. Within this work, I have attempted to provide a window in to some of these events and their repercussions as they continue to reverberate across time and space. In the Conclusion, while drawing on salətʼuƀkʷ Leonard Squally's hopes and aspirations for his people and the places for which they are responsible, I begin to articulate potential pathways of healing, decolonization, and resurgence available to sqʷaliʔabs/Nisqually peoples and the Nisqually Tribe as a decolonizing and self-determining autochthonous political entity. The history of Settler colonial structural genocide against Indigenous peoples often remains invisible within dominant historical narratives.

> Anthropological inquiry often starts with current events and the ethnographically visible. When we study the social impact of a hydroelectric dam, of terrorism, or of a new epidemic, we run a great eliding risk. Erasures, in these instances, prove expedient to the powerful, whose agency is usually unfettered. Imbalances of power cannot be erased without distortion of meaning. Without a historically deep and geographically broad analysis, one that takes into account political economy, we risk seeing only the residue of meaning. We see the puddles, perhaps, but not the rainstorms and certainly not the gathering thunderclouds. Both parts of this explanatory duty—the geographically broad and the historically deep—are critical. Those who look only to the past to explain the ethnographically visible will miss the webs of living power that enmesh witnessed misery [Farmer 2001:308].

Disrupting these violent erasures through creating the space for the assertion of Indigenous historical narratives is a moral obligation. As the erasure of history and the denial of space for the assertion of these submerged narratives can compound the effects of historical trauma through intensifying isolation and preventing the healing of unresolved grief, it is vitally

important to the well-being of Indigenous peoples that these histories, submerged by the hegemon, be brought to light (Michaels 2010).

Shining a light on these traumatic histories, however, must be undertaken in such a way as to promote health and healing, rather than reinscribing or exacerbating trauma. Shining a light on these histories also reveals the multiple ways in which Indigenous peoples resist these "small wars and invisible genocides" (Scheper-Hughes 1996). Every time I visit with salətˀuɬkʷ, I am always struck by the constant reminders of the illegal condemnation and theft of the majority of the reservation, and all of the other violences that have been perpetuated against the Nisqually people, and against my own. The enormous yellow signs along the highway marking military vehicle crossings, the signs announcing that "no unauthorized personnel" are allowed in certain areas, the endless aural assault of mortar rounds and machine gun fire, the enormous aircraft flying low overhead. Staying resilient, even strong, in the face of these constant reminders of injustice, war, and death, salətˀuɬkʷ Leonard Squally carries on in the footsteps of the Hereditary Chiefs from whom he descends.

## Chapter 1: The Great Wealth of the sqʷaliʔabs/Nisqually Peoples

> In Coast Salish culture, oral traditions about the First Ancestors of local communities and the mythic journeys of the Transformer who travelled the land, provide some of the basic cultural material by which people develop and express their relationship to the land. Through these stories, ancestors are associated with and embodied in the land. The myths themselves *are* the legendary people who are fixed in these places […] Places come to be these ancestors, having their intentionality, powers, property, and ability to provide for those who practice respectful relations that ancestral reciprocity requires [Thom 2005:77; emphasis in original].

When the lands and waters of this region were created, the breath of life was blown into them by the Transformer. Each people were also given this sacred breath, and each was created to live within their own ancestral village landscapes (sm3tcoom Delbert Miller, personal communication 2012). Teachings about the First Ancestors tell us that these beings appeared in the world and established the original villages from which Coast Salish ʔaciɬtalbixʷ/First Peoples families arise, bringing teachings and hereditary prerogatives (Thom 2005). "Only certain families are able to trace their descent from mythic First Ancestor figures," members of these noble lineages carrying hereditary rights and responsibilities, and material and intangible property including ancestral names, songs, esoteric knowledge, and ceremonial items (Thom 2005:84). "People claiming these hereditary privileges know and often develop a special relationship with the places from which these things originated" (Thom 2005:85). Additionally, the teachings pertaining to First Ancestors "represent an important record of residence group 'title' to these areas of land and resource locations where ancestors established or taught harvesting techniques" (Thom 2005:84).

The body of sqʷaliʔabs/Nisqually knowledge that was shared with anthropologist Marian Smith in the mid-1930s led her to conclude that:

> The Indians of this region were supremely conscious of the nature of the country in which they lived. *They were completely aware of its character as a great water shed*. From the geographical concept of the drainage system they derived their major concept

> of social unity. Thus, peoples living near a single drainage system were considered to be knit together by that fact if by no other [Smith 1940:2-3; emphasis added].

Smith found that "the tie which they recognized as most binding, as most closely paralleling what we know as political allegiance, was based upon this geography of the drainage system" (Smith 1940:4). Within the majority of the greater Nisqually River watershed, the sqʷaliʔabs/Nisqually peoples historically spoke (and a number of people are currently learning to speak) txʷəlšucid/Twulshootseed as their primary language, although the upland villages are said to have been bilingual, with speakers of txʷəlšucid/Twulshootseed and one or more Sahaptin languages of eastern Washington living within them (Smith 1940).

Smith reveals, however, that the concept of a unitary language is an anthropological linguistic imposition, because "the people themselves used no special language names. Each man [sic] applied to the language he spoke the appellation of the drainage system upon which his own village was located" (Smith 1940:20). These watershed-specific languages were given to each peoples by the Transformer as integral to life within each drainage (sm3tcoom Delbert Miller, personal communication 2012). sqʷaliʔabs/Nisqually and other Coast Salish ʔaciɬtalbix/First Peoples' village residence groups, while intimately associated with particular watersheds are also deeply interconnected with other village residence groups through relationships of kinship and marriage, spiritual practice, and political economy, making divisions solely according to perceived linguistic or watershed-based boundaries somewhat arbitrary, and occluding the immense complexity of Coast Salish ʔaciɬtalbix/First Peoples ecosocial systems (Thom 2005). Importantly, "a particular village site and the drainage connected with it bore [sic] the same name" (Smith 1940:6). I therefore often use the terms "ancestral village landscape," or "village ancestral landscape" within this work to describe the areas within, and contiguous to, village sites, inclusive of the living lands, waters, beings, powers, and knowledges within them. These

interrelationships within sentient landscapes have been vital to the physical, cultural, and spiritual sustenance and well-being of the sqʷaliʔabs/Nisqually people, and continue to be so, despite the fact that many of these relationships have been impaired or disrupted by colonization, physical or legislative enclosure, environmental contamination, desecration, or destruction.

These village and drainage system names are also incorporated into the terms which people used to refer to themselves. "The people called themselves by the name of the village site plus a suffix meaning 'people of'. When they spoke of themselves in relation to other peoples of the area they might use the term for the larger drainage of which their stream was a part, plus the same suffix" (Smith 1940:6). Such incorporations of place and landscape names into the terms which many Indigenous peoples use to refer to ourselves are a conscious acknowledgement and reminder of our dependence upon, relationships throughout, and teachings about how to live rightly within our ancestral village landscapes. The sqʷaliʔabs/Nisqually are a watershed-conscious people, identifying so closely with their ancestral landscapes that land, language, and people belonging to an ancestral village landscape all share the same name. "[N]ames for people and places, and the stories that become associated with them, powerfully connect Coast Salish people to the land, both in terms of personal identity, and in contexts of asserting claims to ownership and control of it" (Thom 2005:197). Places, and rights and responsibilities within and to those places, are also often deeply interrelated with hereditary personal names. "Inheritance plays a key role in the land tenure system for transferring stewardship over particular owned places, and control of access rights to them, from one generation to the next" (Thom 2005:278-279). Hereditary personal names are an embodiment of inherited rights of ownership and responsibilities of maintaining respectful relationships within those places which have been under the care of certain lineages since time immemorial. It is the teachings about the First

Ancestors which "connect families and residence groups to particular places: different Ancestors provide linkages to each residence group and a particular place" (Thom 2005:88). Each territory is "associated with kin groups whose ownership of specific resources or resource rights was embodied in its headman. Members shared these inherited rights, with the 'management' of this property—as variable as that might be—resting in the hands of the group's male leader" (Kennedy, et al. 1998:51). Traditionally amongst Puget Sound Coast Salish, while these headmen coordinated access to and exchange of resources at the local level, "they had to coordinate with the families who were the local resource owners. [Snyder] notes that '[i]t was the responsibility of persons through whom privileges were directly derived to advise headmen when these should be exercised and by whom'" (Thom 2005:297).

These property relations, rooted deeply within living ancestral landscapes, and embodied within place names, group names, and hereditary personal names, must be viewed from a perspective which recognizes that Coast Salish and many other Indigenous conceptions of property are based on the inherited responsibilities that we have in caring for the beings, and respectfully interacting with the powers, who share our homelands and waters. In the tuwaduqutSid/Skokomish language,[14] the term sd3xWasch3l3 encompasses these complex watershed-based living interrelationships and inherited responsibilities that reach across time, encompassing "the lands, waters, beings, powers, ancestors, ancestral law, languages, peoples, names, histories, songs, miracles, lineages, gifts, teachings, and all that goes along with that. I gather that up for my life" (sm3tcoom Delbert Miller, personal communication 2012).

[14] The approximate pronunciation of this term is "sdu-WASS-chuh-luh." I turn to tuwaduqutSid/Skokomish language terms for certain concepts, because salətˀuɬkʷ Leonard Squally does not speak his own heritage language, and his spiritual home is the House of Sla'nay at Skokomish wherein these teachings are shared and lived.

Carpenter (2002) claims that when the sqʷaliʔabs/Nisqually people first established relationships within the landscapes of the Puget Sound region, they saw:

> the prairie grasses that covered the huge expanse of prairie lands that bordered on both sides of the lower river, [and] they called the prairie grasses by the name 'Squalli.' As time passed the river took its name from the flowering grasses and became known as the 'Squalli River.' The people then called themselves 'the Squalliabsch,' meaning The People of the Grass Country, the People of the River. The people, the land and the river became one [Carpenter 2002:1].

While Smith (1940) does not provide a translation of the term sqʷaliʔabs/Nisqually, she claims that the term is:

> derived from the name of the Nisqually River, was applied to all the peoples of the Nisqually drainage including McAllister Creek and, probably also the Sequalitcu [sic] River […], nevertheless there seems to be no single village of that name. This village at the mouth of the river, contrary to the usual custom, did not bear the river name. This is undoubtedly a reflection of the fact that the *sqwαléabc*[15] were thought of as an up-river rather than a salt water people [Smith 1940:12].

Carpenter (2002) and Smith (1940) are contradicted to an extent by Waterman (2001[1920]), who asserts that "the Nisqualli, Squally, or (more correctly) the Sqwalia'bsh, are the people of $^{Tu}$sqwE'l$^{3}$e$^{16}$, 'tops of wild carrots,' an important old village on the flats at the mouth of the Nisqually river. Curtis calls them the Sqala'bsh. In my own orthography this group is the $^{Tu}$sqwE'l$^{3}$e-abc" (Waterman 2001[1920]:265). Later in his manuscript, Waterman contradicts Carpenter (2002), Smith (1940) and himself when discussing this village, providing a different term ($^{Tu}$sqwE'le in the latter entry versus $^{Tu}$sqwE'l$^{3}$e in the former) and meaning for the place name and the origin of the name of the people: "'$^{Tu}$sqwE'le 'late,' for the old village site at the mouth of the Nisqually River. The run of salmon was said to be later in the Nisqually than in any

[15] I retain Smith's orthography within verbatim excerpts from *The Puyallup-Nisqually* (1940) where it is possible for me to do so because I would need to work closely with a speaker in order to modify it and no one is currently available to me. Where I am unable to find the exact symbol Smith uses I must necessarily use one that is visually similar. Note that she uses the names of the peoples of these villages, indicated by the suffix –αbc, rather than the name of the village alone.

[16] I use Waterman's orthography in direct citations of his work.

other stream. The people there would be engaged in taking and curing salmon after they were gone from the other rivers. The present Anglicized name Nisqually represents this old term, somewhat distorted" (Waterman 2001[1920]:325). These variations are important, connoting ecological and relational aspects of these ancestral landscapes with which the people so closely identify that they named themselves and others in reference to the names and the qualities of these landscapes, and the ways of being connected with the beings, powers, and ecological and other conditions therein. This interweaving of place and people makes the difference between "people of the place of tops of wild carrots" and "people of the place where salmon comes in late" more than just semantic.

Contradicting her own finding that sqʷaliʔabs/Nisqually peoples were thought of as an "up-river people rather than a salt water people" (Smith 1940:12), Smith notes that, in fact, the people had their own terms for different groups of sqʷaliʔabs/Nisqually peoples, as well as other ʔaciɬtalbixʷ/First Peoples, incorporating the ecological and other qualities of land- and water-scapes, and the relationships lived within them:

> Although fundamentally geographical and, therefore, susceptible to being mapped, these divisions had wide cultural implications which were fully recognized and constantly employed. They may be given briefly as follows:
>
> *tulɛlsxwáxotsɪd.* People who came from the region of the open sea. Derived from *sxwaxatsɪd*, the sound of the waves against the beach. These groups were known indirectly; they included those from the Makah south to the Copalis.
>
> *sxwɑldjábc*. People of the salt water. These groups lived on the Sound and they were characterized as canoe Indians. They possessed canoes capable of navigation in the rough waters of the Sound and were skillful in the handling of such craft.
>
> *stologwábc*. River people. A name applied by peoples located on the Sound to groups above them on the same river drainage. It implied that such people were comparatively unfamiliar with the Sound and navigation upon it. They were a particular kind of salt water peoples.

> *ɬaɬebiuqᵘ*. Inland people. This term was used in contrast to that for salt water people. These inland groups traveled back and forth above the river beds in the country paralleling the Cascade Range.
>
> *sɑbɑkwɛ́bɑbc*. Prairie people. These were characterized as horse Indians. They were inland groups of a particular kind, the differentiation resting upon their ownership and use of horses.
>
> *stɑk'tɑbc*. People who had no waterfront connection, or, more accurately, who lived on rivers which drained away from the Sound. Derived from *ták'*, "back". "away from". The term "upper" was used to describe such peoples. They included the Lower and Upper Chehalis and the Upper Cowlitz.
>
> […] These terms indicate ethnic units. They cover the characteristics of the country which were reflected in the lives of the people; they were used to suggest other cultural differentiations which were dependent upon ethnological contacts and to indicate certain linguistic traits […] If one asked, "Where is so-and-so from?" the village name was given in reply. But if one asked, "Who or what is so-and-so?" the answer was given by one of these designations. When the whites first arrived they were called "birds" because according to such a system they had no known country. They just came and went.
>
> […] For the present, it is clear that if tribal divisions are to be set up they must follow the lines either of the drainage systems or of these cultural groupings. Both are necessary to an understanding of the village situation and the various allegiances of the people [Smith 1940:29-32].

How an ethnographer can clearly understand that the sqʷaliʔabs/Nisqually people themselves have Indigenous language terms that speak to these sorts of distinctions, and herself describe a number of sqʷaliʔabs/Nisqually village sites according to these divisions, and yet still maintain that they "were thought of as an up-river rather than a salt water people," is unclear. Ethnographic data recorded in the mid-twentieth century and later compiled by Kennedy et al. disrupt the characterization of sqʷaliʔabs/Nisqually peoples as "up-river" or, alternately, "Horse Indians," and illustrate that the notion that they maintain "but a tertiary connection to fishing in the Sound, simply *cannot* be sustained" (1998:65; emphasis in original). The etic characterizations employed by Smith (1940) and the vast majority of other Coast Salish ethnographers hint at, but nevertheless obscure, the autochthonous complexity of

sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples watershed- and intra-watershed-based social and political organization. These characterizations mirror in many ways the artificial divisions and categories created by agents of the United States government, discussed in Chapters 2 and 3, which have had tremendous impacts on the political, economic, and sociocultural organization, and the ability to freely engage in spiritual practice, of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples within Puget Sound.

sqʷaliʔabs/Nisqually peoples historically lived in villages, the locations of which were said to be "determined strictly by topographical considerations. In every case it was located either at the juncture of two streams, or at the mouth of the stream where it entered the Sound" (Smith 1940:4).[17] As elaborated by anthropologist Barbara Lane, "The larger and more important villages were usually located at particularly lucrative fishing places: at the forks of a river where weirs could be set up; at the outlet of a river into a lake; and at the heads of inlets near the mouths of salmon streams. Other large villages were located on the saltwater in protected coves and bays" (Lane "Treaty Rights Workshop"). It is vital to remember, however, that "the Puget Sound villages formed a continuous series criss-crossed by many lines of conflicting affiliation according to any one of which different villages may be grouped together as 'tribes'" (Smith 1940:23). Smith identified seven different "affiliations to which men might give their allegiance at different times and under different circumstances" (Smith 1940:7). Again, it is important to note, that the categories of organization which Smith identifies are of her own creation:

> It has always proved difficult to apply the usually accepted terminology for political and social groupings to the peoples of the western coast of North America and it becomes cumbersome to show in what respects data does or does not fit into categories. The terms used in this description, therefore, have been chosen for their relevance to local data and are intended to suggest nothing beyond the specifically local situation. They include (1) *drainage system* and (2) its smaller component the *village drainage*; (3) the *village* which

[17] Topography was, of course, not the only consideration as we know that First Ancestors established the original villages.

> may include this latter small drainage, the site upon which the houses were built, *i.e.* (4) the *village site*, and the group which occupied that site, or, in a narrower sense, it may signify all of the people who lived at the village site and who habitually made use of the products of an undefined area surrounding the village drainage in contrast to the (5) *village group*, which refers specifically to persons of the village who belonged there by birth and nurture; (6) *house group*, which indicates those persons living within a single house; and (7) *family group*, which was based on the husband-wife-child relationship, and which designated those who occupied one of the four or six sections of the house [Smith 1940:6-7; emphasis in original].

While undoubtedly an etic characterization, Smith's groupings do clearly indicate the complexity of these land-, water-, and lineage-based social-ecological systems of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples. This complexity is so difficult for outsiders to understand because, "for many of the corporately held descent group properties, private knowledge is an important aspect of control" (Thom 2005:307). What is known is that "there are certain lands owned as property by descent groups whose members have exclusive rights to the areas and whose heads are the stewards of corporately held lands on behalf of the co-heirs. Other lands are held in common by the residence group, variously known in the literature as the local group, village or 'tribe'" (Thom 2005:273).

Within each longhouse throughout the numerous sqʷaliʔabs/Nisqually village landscapes lived several family groups comprising the house group, although each family group was not necessarily related by blood:

> There was certainly a recognized organization of adult males and all questions which touched upon common interest were referred to their consideration. But the men bore no necessary relationship to one another and individual interest rather than kinship obligations held them together. The organization was based mainly upon individual differences in personality and ability, differences often expressed in religious terms, but representing very real standards by which the worth of the man might be estimated [Smith 1940:35].

While Smith asserts here that all matters of common interest were the concern of all men in each longhouse, she contradicts this by later asserting that:

> The only group among the Puyallup-Nisqually whose status approached that of the nobles of neighboring peoples were those to whom actual rights of leadership were given. Each house has an owner with a right to 'come first'; each village had a leader, a man who 'came first'. These men who came first constituted the only nobility. Their family groups, which shifted membership as did any others, were the noble families. They tried to perpetuate their authority and prestige and to hold these against the challenge of other families with one or more outstanding members [Smith 1940:54].

Despite a clear articulation of the existence of head-men and nobility, as well as a hint as to particular rights associated specifically with members of the nobility, Smith also asserts that:

> Any man or woman who took his [sic] place in the society by producing, procuring or manipulating property, or who participated in its affairs with any show of intelligence or arrogance, held some sort of social niche by which his prestige was measured. All such persons were "high class". It can be seen that within such a definition would be included practically the entire population [Smith 1940:51].

Smith further clouds the structure of sqʷaliʔabs/Nisqually societies by asserting that:

> There was practically no inherited social stratification. But there was very definite stratification of social position. The individuals who held places of respect and authority in the community were those who fitted most perfectly into a preconceived idea of what the requirements for the position were. Ability was said to run in families, or, perhaps more accurately, in blood relatives of the village group and today men who have successfully adapted to white ways can trace descent directly from leaders in the aboriginal social setting. But environment also played its part, for it was only to children of promise that the special skills and instructions of the most knowledgeable were entrusted [Smith 1940:48].

Smith seems to be saying that there was nobility, but there wasn't; there were no classes, but there were classes; and that any man could be a leader and that only certain men were recognized as leaders. As this is the only ethnographic account of sqʷaliʔabs/Nisqually society, the confusion which Smith apparently experienced when trying to apply these etically-derived categories and characterizations is inherited by anyone who reads it. The main reason that I am including this information about class divisions is that there are without question certain bodies of knowledge and praxis which are only available to members of certain noble families. For example, relationships with certain kinds of powers can only be sought by members of families who have

the hereditary rights to seek those relationships. I will return to this topic below within my discussion of intervillage interactions and also of certain places of power within the sčəgʷaliču/Sequalitchew ancestral landscape.

Houses were led by head-men and were grouped into villages which historically consisted of at least one, and not more than three longhouses, typically each home to five or six families. These villages are said to have been comprised largely of people related through blood or through marriage, but not as an immutable rule. In fact, "the kin group spread over a large geographical area and every effort was expended to increase that area by marriage with distant villages. Actually, therefore, the village group formed only a part of the extended kin group" (Smith 1940:32). Marriages between peoples of distant villages are the basis of all intervillage relations and the "marriages which joined family groups of distant villages generally involved the families of the leaders of those villages. They were, consequently, regarded as high class or noble" (Smith 1940:166). It is generally recognized by Coast Salish peoples that "marriage into a community brings with it the rights for the incoming spouse (and his or her children) to take part in the common ownership of community territories" (Thom 2005:282). This complex system of social organization "provided a strategy for obtaining resources during times of failure by uniting distant villages into a social network" (Kennedy, et al. 1998:46). Through marriages between peoples of villages distant from one another, the ethic of sharing and networks of intercommunity responsibility are extended far beyond each individual's village of birth. It must always be remembered, however, that "This practice of sharing does not imply joint ownership of or jurisdiction over these territories. While each area is acknowledged as the territory of the other community, the kin ties between these communities are appropriate for establishing practices of respectful use" (Thom 2005:360; Kennedy, et al. 1998).

Longhouses within sqʷaliʔabs/Nisqually village landscapes were made of wide planks and posts made from the wood of the Western Red Cedar (*Thuja plicata*) and had dirt floors. Smith found that there were three types of houses—gabled, shed, and gambrel or lean-to but that gabled and shed houses were never found together in the same community (Smith 1940). All house types had slanted wall construction with food drying racks built in as part of the permanent structural frame. "The communal houses had a double row of fires down the length of the building and the families occupied the space between their own fire and the side wall adjoining it" (Smith 1940:33). These longhouses were "oriented to the smaller streams, each of which had its own annual salmon run, and not to the streams or salt water inlets into which these emptied" (Smith 1940:4). The people were dependent upon these streams and rivers not only for sustenance, bathing, and spiritual reasons, but also for travel throughout this heavily forested region. The Sound, the rivers and the streams formed "the only continuous lanes of communication" because "it was almost physically impossible to cut directly across country," making canoe travel a fact of everyday life (Smith 1940:4). Traveling has been, and continues to be, essential to the perpetuation of sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples' cultures because of the relationships with other beings that they have throughout each ancestral village landscape and the watershed within which it is located. Beyond the ancestral village landscape of each peoples, traveling to other villages and nations within the region is essential to the maintenance and perpetuation of human interfamilial and intercommunity relationships, as well as cultural and spiritual practices and teachings. "Ideologies of kinship and sharing, and engagements through travel underwrite these senses of territory throughout the Coast Salish world" (Thom 2005:31).

Smith divides sqʷaliʔabs/Nisqually villages[18] into groupings based on the terms, discussed earlier, with which sqʷaliʔabs/Nisqually peoples speaking txʷəlšucid/Twulshootseed refer to themselves and others. These terms are intimately related to the environments within which each village watershed is located as well as to the kinds of cultural differences found within sqʷaliʔabs/Nisqually society which are based upon ecological specialization, such as "*sɑbɑkwɛ́bɑbc.* Prairie people. These were characterized as horse Indians. They were inland groups of a particular kind, the differentiation resting upon their ownership and use of horses" (Smith 1940:30). Horse culture could only have flourished on the open prairies where dense undergrowth would not have interfered with travel. Following the sqʷaliʔabs/Nisqually classification system, Smith identifies and groups together villages identified as sqʷaliʔabs/Nisqually into salt water, river, and prairie villages, noting that there are no inland sqʷaliʔabs/Nisqually peoples (Smith 1940).

I follow salətˀuɬqẏ̓ Leonard Squally's direction in including villages which he understands as belonging to his people, although members of other Tribal Nations might disagree:

> 18. *tct'élɛ́qɑbɑbc* (Gibbs: Steilakumahmish; Eells: Stulakumamish; Curtis: Stelakubabsh). Peoples of villages 18-19 and particularly of the village site located at the present site of Steilacoom.
>
> 19. ----- There may have been two of these closely allied, so-called "Clover Creek" villages: one near Spanaway and the other at the present site of Clover Creek. If there were but one I am inclined to place it in the latter location. This group had strong Nisqually contacts as well as with village 6 already mentioned [a Puyallup village].
>
> 20. *elósɛ́dɑbc* Although the name *sqwɑléabc* (Gibbs: Niskwalli or Skwallishmish; Eels: Nisqually or Sqallismish; Curtis: Sqalabsh), derived from the name of the Nisqually River, was applied to all the peoples of the Nisqually drainage including McAllister Creek and, probably also the Sequalitcu [sic] River (20-26), nevertheless there seems to be no single village of that name. This village at the mouth of the river, contrary to the

[18] Rather than providing the name of the village alone, Smith tends to include the suffix *–ɑbc*, meaning "people of."

usual custom, did not bear the river name. This is undoubtedly a reflection of the fact that the *sqwαléabc* were thought of as an up-river rather than a salt water people.

21. *t$^{u}$dádab* Located at the mouth of McAllister or Medicine Creek, the spot at which the treaty with Governor Stevens was drawn up. The name evidently derived from the word for shaman and shaman power, *t$^{u}$dáb*, a fact to which informants always refer when speaking of the ill effects of white occupation. In addition to Nisqually contacts this village had close connections with South Bay (27).

22. *sɪgwáletcαbc* (Gibbs and Eells: Segwallitsu). Located where Dupont Creek enters the Sequalitcu River.

23. *yicáxtcαbc* Located on Nisqually Lake at the mouth of a sizeable creek. Derived from the name of the lake, *yicáxtαl.*

24. *yo'xwálscαbc* Where Muck Creek enters the Nisqually River. Due to the fact that its site was included in the reservation and that several of its older members survived the period of early concentration, this village maintained its identity somewhat longer than most. The village site was on the flats near the river bed rather than upon the high prairie land adjoining, another fact which tended to preserve the village since white settlers on the Nisqually sought the high wheat and grazing land. The extra-Nisqually contacts of this village were rather to the west along the Sound than to the northeast toward the mouth of the Puyallup River.

25. *sαkwiαbc* Located on a hill near the junction of Clear Creek and the Nisqually River. "Perhaps the largest" Nisqually village at the time of the treaty.

26. *bαcálαbc* Located on a highland below Eatonville on Mashell Creek. This village is listed by Jacobs and Spier as Sahaptin. There is no doubt that Sahaptin was as common as Salish in this, as in many bilingual foothill villages, and that there have been small western movements of Sahaptins into the areas. Nevertheless, *bαcálαbc* can only be considered as a Nisqually group. Leschi, who fomented the "war" with the settlers in the Sound country, was of this village.

27. *t$^{u}$ts'étcaxɬ* (Gibbs: Nusehtsatl; Curtis: Stsichahlabsh, including "Budd's Inlet and South Bay"). Located on South Bay or Henderson Inlet, between the creek at the head and that on the south. This village, as well as 28 and 30-32, moved in to the Nisqually reservation at the time of concentration.

28. *stαtcásαbc* (Gibbs: Stehtsasamish; Eells: Stehtsasamish, including "Budd's Inlet or South Bay"). Located on Budd Inlet at Tumwater, above Olympia.

29. *sqwayai'ɬhαbc* (Gibbs: Skwai-aitl; Eells: Skwaiatl). Located on Mud Bay or Eld Inlet. The people of Mud Bay had perhaps their closest contacts with the Upper Chehalis villages immediately south of them.

> 30. *tɑpɪqsdɑbc* (Eells and Gibbs: Sawamish). Located on Oyster Bay or Totten Inlet, below the town of Oyster Bay. The term "Sawamish" was the only local one used by Gibbs which was not recognized immediately by my informants. The term given me derives from *tɑpɪqsɛd*, the name of the inlet [Smith 1940:12-14].

Smith classifies villages 19, 25, and 26 as belonging to *sɑbɑkwɛbɑbc*/prairie peoples; 23 and 24 as belonging to *stologwábc*/river peoples; and 18, 20, 21, 22, 27, 28, 29, and 30 as belonging to *sxwɑldjábc*/saltwater peoples (Smith 1940:29). The villages at South Bay/Henderson Inlet (27), Budd Inlet (28) and Mud Bay (29) are claimed by the Squaxin Island Tribe as their own. salətˀuṗkʷ̓ Leonard Squally insists that these are sqʷaliʔabs/Nisqually village sites, and the historical and ethnographic record are unquestionably congruent with salətˀuṗkʷ̓ Leonard Squally's inherited knowledge, as will be discussed in subsequent chapters.

A few additional caveats pertaining to Smith's village site data are necessary. salətˀuṗqʷ̓ Leonard Squally asserts that the town of Roy in Pierce County is also a sqʷaliʔabs/Nisqually village site and he and I have identified a number of apparent gravesites through surface reconnaissance on property in Roy that I formerly rented, as well as within the part of Roy that was condemned in 1917 and became part what is now Joint Base Lewis McChord [JBLM].[19] He also claims the town of Tenino, Rainier and every small town within the Nisqually, Deschutes, and Skookumchuck, and Thompson Creek watersheds as being situated atop villages within sqʷaliʔabs/Nisqually ancestral territory. Reasons for this undoubtedly include the fact that Coast Salish ʔaciɬtalbixʷ/First Peoples' property relations—living systems of inherited ownership rights and responsibilities, interwoven with mediated rights of access provided through marriage—extend the sqʷaliʔabs/Nisqually landscape far beyond the confines of the Nisqually Basin. Another reason for this is likely the fact that unlike archaeologists and anthropologists, salətˀuṗqʷ̓ Leonard Squally, along with other sqʷaliʔabs/Nisqually and

[19] I return to the story of the condemnation in Chapter 4.

ʔaciɬtalbixʷ/First Peoples of Puget Sound, maintain that the places where families would build homes during the summer time, in the same places every years, are *villages*, and not "temporary encampments." Additionally as will be discussed in Chapter 3, the dislocations resulting from the dispossession of sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples of Puget Sound during post-treaty era led to the concentration of peoples from many different ancestral village landscapes on single reservations, hindering (although not preventing) any contemporary determination of ancestral village affiliations to a noticeable extent.

Smith does provide some insight into areas that she says were jointly used as "temporary camps" by numerous villages, "at exceptionally good clamming grounds or at locations especially productive of roots or berries" (Smith 1940:26). According to Haeberlin, "picking and fishing grounds were property of certain tribes. Different tribes had different areas. But one tribe could ask permission from another tribe to fish and pick in their territory. This permission was hardly ever refused. If permission was not asked, it was regarded as an invasion. Puyallup and Squalli had joint picking and fishing grounds" (Haeberlin quoted in Kennedy, et al. 1998:55). Coast Salish principles of land tenure provide that within certain highly productive resource areas, joint ownership by two or more village groups "commonly occurs in areas at some distance from permanent winter villages, where people have long-established amicable use and occupation of an area. Ritual knowledge and physical control over these areas are held by residents of these communities and the stewardship and management of these areas are sometimes limited to certain members" (Thom 2005:283). Of the eight such areas Smith (1940) lists, four would be within the area claimed by salətˀuɬqwˀ Leonard Squally as belonging to sqʷaliʔabs/Nisqually peoples and shared with others only by permission: Vashon Island (used by village 19 in concert with Puyallup villages); Fox Island (used by villages 15-18); Anderson

Island (used by villages 20-22, and 27); and the mouth of the Nisqually River (used by villages 23-26).

Outside of these jointly used areas, Smith's only reference to places where the people lived for lengthy segments of the year is her statement that "temporary camping sites are completely omitted" from her village data (1940:7). Statements such as this are laden with an ethnocentric bias that only recognizes certain kinds of dwellings as "houses" (such as adobe buildings and wood-frame construction, but not mat houses or tipis), a bias which is also evident in the construction of ʔaciɬtalbixʷ/First Peoples of this region as "semi-nomadic hunter-gatherers."[20] Additionally, such data collection decisions have led to a documentary chasm into which the holism of these watershed-based village complexes is cast, failing to provide an accurate sense of the integrity and interrelationships within and between village watersheds as well as an accurate sense of the significance of certain places within the maintenance of sqʷaliʔabs/Nisqually physical, emotional, cultural, and spiritual well-being. Waterman's (2001[1920]) geographical data, albeit limited to places close to the shores of Puget Sound and, therefore, not inclusive of all prairie and up-river landscapes, is far more extensive than that which was collected by Smith (1940). salətˀuƀkʏ̓ Leonard Squally claims forty-seven of these places and landscapes as being located within sqʷaliʔabs/Nisqually ancestral territory, from Henderson Inlet eastward across the Nisqually Delta to north of Steilacoom. Waterman's data is not limited to village sites, but also includes a great number of traditional cultural properties,[21]

[20] It is important to remember that "natives are typically represented as unsettled, nomadic, rootless, etc., in settler-colonial discourse. In addition to its objective economic centrality to the project, agriculture, with its life-sustaining connectedness to land, is a potent symbol of settler-colonial identity. Accordingly, settler-colonial discourse is resolutely impervious to glaring inconsistencies such as sedentary natives or the fact that the settlers themselves have come from somewhere else" (Wolfe 2006:396).

[21] I use the term traditional cultural property (TCP) as it is defined within National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties (Parker and King 1990). TCPs are properties that possess "traditional cultural significance" wherein "traditional… refers to those beliefs, customs, and practices of a

sacred landscapes, and places of power—all intimately connected with who the people have been since time immemorial.

Villages, whether winter or summer, were the center from which all "food gathering and similar activities" would radiate (Smith 1940:4). "Such activities were carried on by family groups acting independently of one another. Only in so far as the product to be obtained was procurable in quantities in one spot and during a short period, did the exodus from the village resemble a concerted movement" (Smith 1940:4). Sometimes, foods gathered would be prepared or partially prepared within or near the area where they were harvested, but often foods were brought back to the village for preparation for storage.

> Men and young boys undertook even distant hunting and fishing expeditions alone; short trips for berry picking, root digging, etc., were accomplished by unattended women with their children; so soon, however, as women's activities involved one or more nights' stay away from the village, they were accompanied by some or all of the males of their immediate families. The old people seldom ventured far from the house sites. The village, therefore, even during the spring, summer, and fall months, was seldom vacated for long periods or by all of its occupants [Smith 1940:4-5].

Canoe travel was employed in all activities, from fishing to hunting and gathering plant foods and medicines. "There was a definite preference for the up-river route and wherever it was feasible trips were made upstream so that the loaded canoe or the products themselves might be floated back to the village site" (Smith 1940:5). In addition to facilitating transport of foods and other materials, this preference for upriver routes is undoubtedly related to the fact that, "Each village controlled, by familiarity and habitual use, the drainage which was up-river from and immediately surrounding the location of its house sites and had, in addition, free access to communication by other water routes" (Smith 1940:5).

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living community of people that have been passed down through the generations, usually orally or through practice" (Parker and King 1990: n.p.). Traditional cultural significance is thus derived from "the role the property plays in a community's historically rooted beliefs, customs, and practices" (ibid.). These guidelines were promulgated under the National Historic Preservation Act of 1966 (16 U.S.C. 470), discussed further in Chapter 7 of this work.

Hunting, shellfishing, and plant food and medicine gathering trips normally followed the direction of the individual village drainage. However:

> Movements were not restricted because of land ownership: the main considerations which determined them were always (a) convenience and (b) the state of feeling, whether friendly or inimical, which existed between travelers and the persons they might expect to encounter. However numerous other causes for disagreement were, there were no quarrels over land. This was the situation among the majority of the southern Sound villages. But the extreme easterly, up-river groups (villages 9-11, 25-26) had a rather definite idea of what may well be called "hunting territories" [Smith 1940:24].

I puzzled over this assertion, asking why it might be that Smith believed that groups in the foothills before the coming of whites, and all sqʷaliabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of Puget Sound today, definitely assert and defend defined hunting, fishing, and gathering areas when, according to Smith, prairie and saltwater peoples shared hunting territory more freely. Elders' depositions from the Court of Claims case *Duwamish et al. Tribes of Indians v. United States* (79 Court of Claims 530 (1927)) provide a wealth of information pertaining to life prior to the arrival of whites in the Puget Sound region. If we look at the testimony of Upper Chehalis Elder Mary Heck, we see that she was witness to a time when "there was all kinds of game here, and right in this prairies was deer just like what sheep and cattle is now on this prairie; right here on this prairie" (University of Washington [UW]: United States Court of Claims [USCC]: *Duwamish et al. v. United States* (1927): Microfilms A-7348:532). Largely due to the anthropogenic use of fire, discussed in more detail later in this work, the lowland prairies were extremely rich with foods upon which the people and many animals relied, cultivated consciously and skillfully with fire with that very abundance in mind.

The abundance of plant foods and medicines, deer, elk, and other game animals in the lowland prairies may well have mitigated "quarrels over land" related to plant and shellfish harvesting and hunting areas, if Smith has provided an accurate understanding of what her

"informants" told her. We must always keep in mind, however, that Smith and many other ethnographers have asserted that among the southern Coast Salish peoples:

> Land in itself had no value and the products of the land were beyond the pale of property rights. Since the whole concept of property was individual, land may hardly be called common property although they were open to what we would designate as common use. If we are to consider them from the point of view of the Puyallup-Nisqually themselves, they were not property. If the country belonged to anyone at all it was to the dwarfs [Smith 1940:142].[22]

These assertions are woefully inaccurate for, as Thom (2005) proposes, "the reported absence of property in land among southern Coast Salish may be an artefact of euro-centric definitions of property that miss the character of [I]ndigenous institutions of stewardship and rights," (Thom 2005:307), as well as the sentience of these ancestral landscapes and the diverse and abundant beings and powers within them, with whom respectful relationships of reciprocal sustenance are lived as "property relations."

The abundance of plant foods and medicines within the Puget Lowlands and Cascade Foothills is staggering—matched only by the complex food preservation technologies which sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of this region have developed over countless millennia of living within place. "Food and place are intimately bound in Coast Salish culture through the kinds of relationships that may be had with spirits and the actual practice of food acquisition. The sharing of food is a critical element in kin relations and in the social ties that bind people across the Coast Salish world" (Thom 2005:269). It is important to remember that animals and plants are among those beings are "sentient beings with messages and stories for people" and, like all other beings and places, must be approached with respect because of the inherent power that they have (Thom 2005:17). "Today, non-humans who dwell in the Coast

[22] This reference to dwarves will be further addressed later within this chapter.

Salish world always have the potential for their personhood to be encountered as a form of spirit power" (Thom 2005:137).

Smith's treatment of plant medicines is brief, which is interesting in light of the fact that, "Since none of the informants claimed to have any knowledge of herb remedies, and yet so much rather detailed information could be obtained, one gets the impression that the body of herbal knowledge must have been considerable" (Smith 1940:92). The variety of plant medicines and foods and their uses is far too extensive to discuss within this chapter in much detail. I will restrict discussion to a very general sense of some of the most important plant foods eaten by sqʷaliʔabs/Nisqually peoples in this section, along with brief treatment of methods for procuring and preparing them for immediate use or longer-term storage and exchange, drawing from Smith (1940) and Welch (1989a). It is vital to remember that in addition to locally available foods, medicines, and materials, "extensive trade was carried on among Indian groups in western Washington" and British Columbia which "involved both basic necessities and luxuries of native life. The trade existed because different localities had different resources. The variation in local habitats is an important factor in understanding the native economy" (Lane "Treaty Rights Workshop":3)

Camas (*Camassia quamash)* is arguably the most historically important food plant within the sqʷaliʔabs/Nisqually world. Formerly found widely throughout the glacial outwash prairies of southwestern Washington and cultivated by sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples through the use of anthropogenic fire regimes, as discussed below. Smith notes that camas intended for immediate use was baked in underground pits for two or three days, and substantially longer if it was to be stored (Smith 1940). Welch's (1989a) entry on camas is a bit more detailed: "Camas (st-kwau). Food: This blue-flowered plant produced a bulb used

universally by the Native Americans for food. The bulbs, a food staple were dug, steamed, then stored. Any excess camas became a profitable trade item. Camas was indigenous to the vast Nisqually prairies" (Welch 1989a:2.14). Pit baking and steam baking are similar methods of preparation, both consisting of shallow pits filled with stones on top of which a fire would be built to heat the stones. After heating, the coals would be cleared away, and food would most often be laid on fern fronds, sprinkled with water, and covered with mats woven from plant materials and/or green tree boughs. In pit baking, the entire pit would then be covered with an additional mound of dirt (Smith 1940).

In addition to camas, Smith notes that, "A Nisqually informant said that raw fern roots were pounded or mashed in a stone mortar, mixed with deer tallow and the resulting dough-like substance was moulded into flat cakes," which were dried for storage and had to be soaked in water prior to being eaten (Smith 1940:250). Other roots and bulb foods include baked sunflower roots (*Balsamorhiza deltoidea*), tiger lily (*Lillium columbianum*) bulbs (especially boiled with fresh salmon), wapato (*Sagitarria latifolia*), wild carrot (*Peroderidia gairdneri*), wild onion (*Brodiaea spp.*), and pia'xe or bitterroot (*Lewisia redviva*), which was obtained in trade from tribes east of the Cascade Range (Smith 1940). A great variety of berries were also collected and eaten fresh or prepared in a variety of ways. When they were to be prepared for storage, berries were spread on racks holding mats of woven cedar bark, and dried largely by the sun. They were either stored loosely in baskets or pounded into cakes and further dried before storage. While there are a great number of berries which have traditionally been harvested and eaten, here I will focus on the various varieties of huckleberries (*Vaccinium spp.*), which sq$^{w}$aliʔabs/Nisqually peoples have eaten since the beginning of time:

> Huckleberries were best after the frost had touched them. The red huckleberry, coast, brush or woods huckleberry, blueberry or swamp huckleberry and the ground huckleberry

> or kinnikinni [sic] grew on the coastal plain. Long trips were made by inland groups and sometimes by salt water peoples to obtain the mountain huckleberry which grew in the foothills and on up into the mountains. All of these except the ground huckleberry were dried [Smith 1940:248].

Berry sprouts and shoots were also harvested and eaten fresh, along with baked cattail shoots (*Typha latifolia*), wild asparagus (*Asparagus officinalis*), and the young leaves and shoots of stinging nettle (*Urtica dioica*), which were steamed before eating (Smith 1940). As noted above, Smith asserts that plant food and medicine gathering trips normally followed the direction of the individual village drainage associated with the village to which the gatherers belonged, but there are a number of places where these foods and medicines grew in abundance and restrictions on access to these places were dependent upon intervillage ties. "General resource abundance and reciprocal obligations to extended kindred may make it morally unlikely that access to commons areas would be refused to a non-resident who is visiting and who engages in the expected exchanges with their kin" (Thom 2005:291).

While access to (but not ownership of) these plant foods and medicines, and the places in which they and certain other foods are found in abundance, may have been shared between village groups with extended family relationships, in the case of areas used for hunting game, this more open access was limited to areas in the lowlands, as discussed above. Men would hunt in groups if game was scarce but usually hunting trips were undertaken by one man, or one man with a younger relative (Smith 1940). A bow and arrow was typically used, and standing rather than running targets were preferred. "When a deer or elk bounded away it could frequently be brought to a stop and made to turn with a shrill whistle. Hunters also whistled on a salal berry leaf imitating the cry of a fawn in distress and killed the doe when it came up" (Smith 1940:269). Small "Indian dogs" were sometimes used, but hunters without dogs "traveled slowly and looked for small game, although they did not kill it; 'then you saw all the big game at once.'" (Smith

1940:269). Some of the people who shared their knowledge with Smith indicated that black bear were caught in pitfalls, while others said "only old people or cripples caught bear in a pitfall for it was below the dignity of a hunter in his full strength" (Smith 1940:270). Some game animals also taken in snares made of twisted young hazel with a noose made of plant fiber made into rope (Smith 1940).

Large game eaten by sqʷaliʔabs/Nisqually peoples historically included black-tailed deer (*Odocoileus hemionus*), Roosevelt elk (*Cervus canadensis roosevelti*), and black bear (*Ursus americanus*), and smaller game included beaver (*Castor Canadensis*) and rabbit (*Sylvilagus nuttallii*) in the uplands. Boys out hunting typically killed waterfowl such as ducks (numerous species), small game such as chipmunk (*Tamias townsendii*), or game birds such as pheasant (*Phasianus spp.*), grouse (*Bonasa* and *Dendragapus spp.*), or quail (various species). Ducks were sometimes caught in large, fine-meshed nets strung on a flyway between trees or poles, or spread over spawning ground waters (Smith 1940). In regard to deer, elk, and bear, "It was said that no knife was used in skinning the animal, that the hands were completely sufficient to separate skin and flesh" (Smith 1940:245-246). The meat from large land animals was mostly eaten fresh, and either boiled, steam-baked, or roasted. Meat from smaller animals was sometimes cut into strips and dried. Saltwater sqʷaliʔabs/Nisqually peoples also hunted seal and porpoise with specialized harpoons. Seal and porpoise meat had to be eaten fresh because of its high fat context, and it was usually prepared through pit-baking (Smith 1940).

As I will discuss below, while many foods were prepared for personal and family consumption, foods which were amenable to drying and storage sometimes became "economic unit[s], accumulated by the wealthy and employed as a medium of exchange" (Smith 1940:238). In Coast Salish ʔaciɬtalbixʷ/First Peoples' societies, "surplus food could be converted into

wealth (canoes, blankets, slaves, shell ornaments)" (Lane "Treaty Rights Workshop":6). Out of the foods which, in a number of forms, could become items of wealth, arguably the most important is salmon. While a great variety of fish were caught and eaten:

> Salmon was the most important single food. Four of the five species of Pacific salmon (Oncorhynchus) were commonly known and used: tyee or Chinook (O. tschawytscha), silver or silver side (O. kisutch), dog (O. keta and humpback or "humprey" (O. gorbuscha. To these should be added the steelhead (Salmo gairdneri) which shares salmon characteristics and was treated in the same way. When asked about the red salmon (O. nerka) informants said the silver side might be called that as it turned red in fresh water, but they knew of no separate species by this name [Smith 1940:235].

This information is somewhat contradicted by the information in Welch (1989a), who provides the following terms, which includes a term for red, or sockeye, salmon: "Spotted Salmon (kli-why); Red Salmon (sko-whitz); Dog Salmon (tu-ahlet); Speckled Salmon (chā-wä); Humpback Salmon (c-had-do) (Welch 1989a:2.34).

The wealth of food preservation knowledge and technology is most evident in relation to the methods of preparing salmon. When salmon is eaten fresh, it is either boned, braced open or roasted whole (Smith 1940). "The cutting was done in long, sweeping strokes which retraced the same gash, going deeper each time. No jerky movements were employed" (Smith 1940:235). With regard to cured salmon, Smith's extensive treatment of the eight types provides a sense of the intimate knowledge required of each type: dried, smoked, cooked-and-partially-smoked, cooked-and-smoked, forked-and-smoked, backbone-smoked, head-smoked, and entrails (Smith 1940). The preparation methods and curing times specific to each method provided by the peoples from whom Smith gathered her information evidence a depth and care which can only arise through countless generations of relationships with Salmon People. In addition to the flesh of adult fish, fish eggs were, and are, an important and valuable food, because of the intensity of preparation methods and the constant attention required to properly prepare them. As Smith

notes, “It is little wonder that they were regarded as a high-toned food” (Smith 1940:242). One last category of foods I would like to include is the seemingly endless array of shellfish harvested, prepared, and eaten by sqʷaliʔabs/Nisqually. Briefly, the people who shared their knowledge with Smith told her that barnacles (*Balanus spp.*) were either eaten raw or steam-baked; that Chinese slippers (*Crepidula spp.*), mussels (*Mytilus crossulus*), and oysters (*Ostreola conchaphila*) were all steam-baked; and that clams and cockles (*Clinocardium nutallii*) were boiled, steam baked, or cured (Smith 1940). Five kinds of clams were identified by Smith as foods: butter clams (*Saxidomus gigantean*), rock clams (*Leukoma staminea*), horse clams (*Tresus spp.*), geoduck clam (*Panopea generosa*), and one variety which, from the description given, sound like razor clams (*Siliqua patula*). Butter clams and cockles were cured by first steam-baking them and then stringing the meat on sticks and smoking. The neck of the large geoduck clam was also sometimes smoked (Smith 1940). As noted above, Smith asserted that shellfishing areas were typically shared in common between certain interrelated village groups within the larger Nisqually drainage.

The diversity of fishing technologies can only be listed briefly here, for they are so complex and nuanced that an entire dissertation could be devoted to just these items of sqʷaliʔabs/Nisqually material culture. Fishing methods include: 1) long line and hook; 2) trolling; 3) gaff hook; 5) loosely-twined matting (used to catch spawning herring); 6) fish weirs; 7) falls traps 8) tripod fish traps 8) lift net (used from platforms); 9) slip net; 10) seine net (used in Puget Sound); 11) river seine; 12) spears; 13) harpoon; 14) flounder spear; and 15) spears for landing line-caught fish (Smith 1940). Each of these methods requires specialized materials and construction methods, each of which is elaborate. “[I]t can be seen that the special skills of men were devoted mainly to the manufacture of tools, traps, etc, which were tools of production and

were themselves seldom regarded as wealth" (Smith 1940:139). They were, however, regarded as items of personal property, with the exception of the fish trap, which Smith classifies as "cooperative property […] which, by its nature, could be divided into its component fishing stations. Each of these stations was individually owned. The number of family groups which participated in building it could not exceed the number of fishing stations it would accommodate, except by special arrangement among them" (Smith 1940:145).

Always mindful of the consequences of overharvesting, sqʷaliʔabs/Nisqually peoples' conceptions of watershed-based ecological sustainability exert powerful influence on food procurement methods and technologies. Smith asserts that:

> So rigid was the feeling about wasting meat from large game animals that a lone traveler, who was forced to kill a deer because he found no smaller game or fish, felt called upon to camp, partially dry the meat and carry it with him even though the labor entailed delay [sic] his journey five or more days. Generally when large game was killed, it was hunted but the feeling against waste was strong in respect to any food [1940:272].

These proscriptions against waste also arose from the interrelationships between sqʷaliʔabs/Nisqually peoples and particular non-human beings: "any waste of products of the land, especially of food, incurred the displeasure" of these beings, known as *swau'wautᵘˣtɛd*, or "little earths" (Smith 1940:132). Prohibitions against the wasting of foods was interwoven with "the competition between food gatherers to collect only the best […] Only large roots were dug, small ones remaining in the ground. Children were cautioned to pick only fine berries: 'Don't be lazy, move around and take the best.' And women who came in with scrub berries were ridiculed and looked down upon" (Smith 1940:272). These admonishments to leave smaller, younger fruits and roots in place to mature undoubtedly worked to help ensure the health of these plant populations and their continued abundance. Young hunters were similarly discouraged from killing young animals:

> A famous hunter and a young hunter happened to go out for deer on the same day. The young man brought in a yearling buck in fine condition and was immensely pleased with himself. Hours later the old man returned empty handed. He asked if the other had killed anything and was shown the yearling. "Oh," he said, "I saw that and passed it up." Whether this was true or not the effect on the young man was such that he never afterward shot anything but adult game. "It made him feel so cheap" [Smith 1940:272-273].

Similarly, the well-being of the Salmon People was aided through the recognition of the need to allow enough salmon upstream to spawn to reproduce and maintain their populations. "When dams were built for traps, they were built not twelve but six feet high because 'the old Indians knew what they were about: the salmon could jump six feet but they couldn't jump twelve'" (Smith 1940:273). When the traps were not in active use, the screens were removed to allow fish passage. Additionally, one corner of the mat screens used on these traps were left loose so that a few fish could get past the barrier and upstream to their spawning grounds (Smith 1940). The Salmon People are such important beings within the Coast Salish ʔaci'talbix$^{w}$/First Peoples' world; and it is difficult, if not impossible, to adequately convey a sense of the depth of these interrelationships in the English language. Salmon have given humans life and teachings since the beginning of human time here, and ceremonial responsibilities to these beings are inherited along with the rights to fish for them (dᶻahdᶻahlahk Cecilia Gobin, personal communication 2011). As is evident from the passages above, Coast Salish ʔaciɬtalbix$^{w}$/First Peoples are deeply instilled with this ethic of sustainability, sharing between them or inheriting the many responsibilities for contributing to the health of their collective village watersheds and the greater Coast Salish world of human and non-human beings.

Also shared in sq$^{w}$aliabs/Nisqually and ʔaciɬtalbix$^{w}$/First Peoples' societies are the responsibilities of "work for food for family consumption," with women, men, and children all contributing to the efforts of the household (Smith 1940:138):

> On the whole, women gathered the vegetable products and men did the hunting and fishing. But there was no true separation between the work of the two as such a division might suggest. Men frequently helped with berry picking and women often brought in the smaller or more easily obtained varieties of fish […] There was a division of labor between the sexes but it was based on convenience. No emotional set against any type of work existed on the part of either sex. Starting with a loose idea of woman's work and man's work, the task in hand and the needs of the moment determined the actual role assumed by each [Smith 1940:138-139].

While responsibilities for bringing food home were equal and non-exclusive, the responsibilities for making specific items of material culture were particular to each gender. Smith asserts that, "[I]t can be seen that the special skills of men were devoted mainly to the manufacture of tools, traps, etc., which were tools of production and were themselves seldom regarded as wealth. On the other hand, after the materials had been gathered and prepared, a task in which men often participated, the special skills of women produced items of wealth" (Smith 1940:139). In Smith's understanding, the concept of wealth was tied with a narrow, euro-centric definition of property: "*Property was that which could be manipulated* and raw products became property only when they had been gathered by the individual. Yet free exchange of property between members of family groups, of house groups and of different villages was fundamental." (Smith 1940:142; emphasis added). As has been noted above, Smith and the majority of Northwest Coast anthropologists and ethnographers found it impossible to conceive of a system of property relations not based on manipulation and exploitation, but on a shared ethic of responsibility within a proscribed web of hereditary rights and engaged as relationships with powerful spiritual beings.

Within the broader world of sq$^{w}$aliabs/Nisqually material culture, undoubtedly the most important being with whom the peoples have ancient relationships is the Western Red Cedar: ancient beings who are sources of teachings, love, and wisdom, and providers of materials used to create many items of everyday life and items of wealth. These items are so numerous that I

can only devote space to a discussion of some of the most vital. Large trees were felled through the use of fire, stone mauls, and wedges made of horn or stone (Smith 1940). Cedar planks and beams were used in the construction of longhouses and, somewhat rarely, wooden receptacles. and a number of different kinds of canoes, each specifically constructed for the water environment in which it would be used. Canoe types are said to include the "big canoe," "woman's canoe," "fishing canoe," and "river" or "shovel-nose canoe" (Smith 1940:288). No matter which style, canoes were made from single cedar logs with no knots which were hollowed by burning and gouging, and then shaped by filling them with water and heated stones, which would make the wood flexible (Smith 1940).

The bark of the cedar tree is incredibly versatile and requires great skill to harvest and prepare. Prepared cedar bark is used to make water-resistant clothing and other personal items, as well as in the making of numerous types of baskets. Baskets are also woven from cedar root, cattail (*Typha latifolia*), and tule (*Schoenoplectus acutus*) (Smith 1940). Other plant materials such as wild cherry bark (*Prunus emarginata*), beargrass (*Xerphyllum tenax*), and coastal sweetgrass (*Schoenoplectus pungens*) are also used in basket weaving, although I learned this in the process of learning how to make a simple basket and this information is not in Smith's ethnography. Twining and coiling are important basket making techniques, with some women's baskets so tightly woven that they could hold water (Smith 1940). The many items of sqʷaliabs/Nisqually material culture are too numerous to treat within a segment of a single chapter, but by now you should have a sense of the great wealth of the people.

Which brings me to the concept of wealth as Smith found it to be articulated by the sqʷaliʔabs/Nisqually peoples with whom she worked. As discussed above, Smith's text is confusing regarding the matter of class divisions, and it seem that despite her statement that there

are three classes, she herself alludes to four: nobility, high-class, no-account, and slave. According to Smith, nobility are the families of those men who to whom "actual rights of leadership were given," consisting of the headmen of houses and villages (Smith 1940:54). High-class peoples were "practically the entire population" (Smith 1940:51). "No-accounts" formed another class, consisting of peoples "who were without permanent village affiliations, or who shifted marriage relationships frequently, or who were economically non-productive" (Smith 1940:51-52). And the lowest and, according to Smith the most rigidly defined, slave class consisting of captives who were forcibly taken, typically as children or teenagers, from other communities. "The one great difference in their status lay in the fact that slaves were outside the social struggle for prestige. They could be respected as individuals but they could not translate that respect into influence over the other members of the society. Their word was forever without authority." (Smith 1940:52). Slaves were considered to be the property of the headman of the house into which they had been taken.

As noted earlier in this chapter, Smith asserts that "There was practically no inherited social stratification. But there was very definite stratification of social position" (1940:48). Her elaboration is equally confusing:

> Prestige was ever in the forefront of motivation but status was achieved rather than ascribed. Family ties were used mainly as explanations for success or failure. "He has (or hasn't) got the blood" was a phrase used to explain prestige. But blood was not in itself capable of establishing or preventing high status. Blood ties could be used, by the individual, either as a spur to equal or surpass, or as an alibi to sink back on. A successful man might be proud of good family connections. But he would be the first to repudiate them as responsible in any way for his achievement. Prestige carried influence and whatever of authority existed was operative only through such influence. The degree to which a man was well known and the amount of property he was capable of accumulating were the outward signs of his prestige. Women, although they might obtain prestige as women, were excluded from the public operation of authority, a discrimination against them for sex differences alone which is almost unique in the society [Smith 1940:48].

Class status, and family rights and responsibilities are inherited, but prestige within the boundaries of that class had to be achieved. “Property could be inherited and the position of a family in the house group could be transmitted by family succession. But each individual made his own fight for prestige and authority” (Smith 1940:55). According to Smith, prestige and authority are achieved through the accumulation and “manipulation” of certain classes of property considered items of wealth.

> Neither the reputation nor the wealth of men, however, could be measured in simple, quantitative terms. All differences were qualitative rather than quantitative. A man’s word carried weight according to the nature of his reputation, and concern as to the amount of property he owned at the moment was completely subordinated to considerations as to the way in which that property had been obtained, the ease with which it had been obtained and the manner in which it might be used [Smith 1940:48-49].

Authority was recognized in men who excelled in certain areas of technical skill, “men who may be called professionals: hunters, harpooners, canoe makers and gamblers” (Smith 1940:49). Authority was also recognized in men who were seen as “the expert in human affairs. This was the man who was the leader, the chief, of the village. He was a person who did not arouse personal antagonisms but rather reduced in his own personal relationships the need for constant surveillance and suspicion” (Smith 1940:49). A third type of authority was vested in “warriors,” a class of professionals who, unlike other men, had “special weapons identified with the killing of man” (Smith 1940:50). During times of peace a warrior were treated with deference and, during times of war, “he was given, in his role as an expert in war, rather complete control of the situation” (Smith 1940:50). While the skills of each class of leaders were very different, “The leader’s forte lay in his ability to maintain conditions under which men were free to produce wealth and to manipulate property to their own best advantage. Recognizing this service the people showered him with gifts and the greater the leader the greater was the amount of property

which he secured without direct effort on his part. ‘He just sits and things come to him.’” (Smith 1940:50).

The maintenance of “conditions under which men were free to produce wealth and to manipulate property to their own best advantage” cannot be clearly understood, or perhaps understood at all, from etic perspectives. The vast majority of Northwest Coast anthropologists have so divorced the Coast Salish ʔaciɬtalbix$^{w}$/First Peoples’ concepts of wealth from the realities of the spiritual power needed to amass these kinds of wealth as to make any anthropological discussion of these realities nothing more than Settler colonial fantasy. Wealth powers are one of two classes of powers within the sq$^{w}$aliʔabs/Nisqually and other ʔaciɬtalbix$^{w}$/First Peoples’ ancestral homelands in this region with whom people sought to establish relationships in order to have assistance in their lives which would benefit themselves, their families, and villages.

> Each individual characteristic was explained by a relationship with a supernatural which was very like a partnership. The supernatural gave to the man or woman certain abilities, skills, attitudes, personality traits, likes, and dislikes. Ceremonial was the element contributed to the partnership by the human. Failure to fulfill the contract means loss of the supernatural cooperation, loss of individual attributes and, consequently, illness and death. The supernatural was neither “guardian” nor “spirit” and in preference to these terms the word “power” has been used throughout the following pages [Smith 1940:56].

Of the class of wealth powers, *sqalálitut*, each could be sought and potentially attained by children of any class, with the exception of young slaves, provided that they were given the proper training. Wealth powers could come to anyone who was “physically clean and pure” but “the greatest reward came not to person who made terrific efforts to receive it but to persons naturally equipped. […] People were strong because of their power and strong people got more or stronger powers” (Smith 1940:56-57). These powers are interested in making relationships

with humans because "their appetites and pleasures could be supplied only through the actions of their human partners" (Smith 1940:57).

An additional class of powers, *t$^{u}$dáb*, included those powers who established relationships with humans within certain lineages who were particularly inherently spiritually strong, because these kinds of powers "may bring harm to less powerful people who encounter them" (Thom 2005:144). These are the powers who work with healers and other humans with particular strengths and gifts;[23] humans who, through exercising their inherited rights and successfully establishing relationships with such powers, have proven themselves worthy of these relationships. Out of respect for people actively working with such powers, and out of respect for the powers themselves, I will not speak at length about these ways of knowledge, practice, and being. I do, however, very briefly discuss these powers below, as these kinds of powers are known to live within the sčəg$^{w}$aliču/Sequalitchew ancestral landscape and contiguous watersheds. For now, I will only say that there are teachings, ceremonies, spiritual practices that exist which are connected with each kind of power. In regard to *sqαlálitut* powers, Smith asserts that:

> These powers became "hungry" and could be satisfied only by the feast which accompanied the ceremony or by the special foods eaten, while it was going on, by the person who gave it. Or the power wanted to sing and dance, to play. Or it wished to find satisfaction by giving away property. All these it accomplished through its human partner. The ceremony made the power "feel good", made it more active and, since these powers were *sqαlálitut*, their heightened activity was felt to be to the general advantage. Not only, therefore, was the satisfaction of the power necessary if the human who had it was to continue in good health, but the success of the ceremony was necessary to the continued well-being of the social group to which the human belonged [Smith 1940:100].

In regard to other powers, I will only say that the work that is done with them is dangerous and beautiful. "Thousands of people engage the winter dance and other spiritual matters as well as

[23] Smith (1940) and Thom (2005) use the word "shaman" in describing these powerful people, a term so misunderstood and misapplied to Indigenous medicine people and healers that I cannot bring myself to use it.

practice aspects of the locally developed Coast Salish economic life such as hunting or clam digging. Their view is one which holds that place is essential for relations between humans and non-humans, and for society as a whole" (Thom 2005:195). By engaging the ancestors through the sharing of inherited histories and teachings, "and practising Coast Salish winter ceremonies, people continue to experience the transformations their ancestors underwent, acquiring and reaffirming ancestral powers, and forming a distinctive part of the way" Coast Salish ʔaciɬtalbix$^{w}$/First Peoples "dwell in the world" (Thom 2005:104). Winter dancing involves the hosting of, and travel to, interrelated communities throughout the Coast Salish world. Dancers have powers, and all powers have "songs connected with them which could be sung at ceremonies and by which they might be recognized" (Smith 1940:103). Not just anyone can sing any of these songs, as there are hereditary rights associated with many songs, and because of the connection between these songs, spirit dancers, and the powers themselves, making their unfettered use potentially dangerous to the well-being of the people.

The training that sq$^{w}$aliʔabs/Nisqually children received in order to seek power "made them strong," and "[a]dequate training was, consequently, fundamental to the continued well-being and prestige of the group and the trainer had a social responsibility" (Smith 1940:191). Smith asserts that, "When the house and village units disintegrated under white influence, training was left to the haphazard direction of parents and grandparents with a subsequent decrease, and final disappearance, of power possession" (Smith 1940:191-192). Knowing that power, and the ability to attain power, has not disappeared, I was incensed that she would say this. In her next sentence, however, and the footnote with which it is associated, Smith says something which I am still trying to unpack:

> Children who were raised in the white schools and were deprived, when they were at home, of proper discipline and training were regarded by the old Indians as having lost

> not only the ability to obtain power, but also the capacity for understanding adequately the entire power concept. [Here Smith's text is footnoted to the following information.] One of the informants was an excellent example of this attitude. His knowledge of the economic and social life was detailed and exact but on any subject having to do with power his ideas were of the sketchiest, obviously drawn from minor incidents which he had witnessed and interpreted. He often decried the fact that the old Indians had refused, point blank, to tell him anything about power or stories connected with it because "he would not understand." His own grandmother whom he visited only occasionally seems to have shared this attitude and to have pinned her faith in his future well-being upon the fact that his people had possessed power and that these powers would take care of him unknown to himself [Smith 1940:192].

This tells me that Smith's assertion about these teachings and relationships "disappearing" is inaccurate for, as this person's grandmother indicated, these beings are powerful enough to bridge the ontological divide between belief and non-belief and exert powerful influence in peoples' spiritual, emotional, and physical lives (Thom 2005). The powers have not gone anywhere, they still live in the land and still engage in relationships with humans. And the teachings and, most importantly, the training are alive and well in many ʔaciɬtalbix$^{w}$/First Peoples' families and nations.

The training of children and initiates cannot be understood outside of the watershed-based aspects of sq$^{w}$aliʔabs/Nisqually village landscapes, as "childhood training familiarized the individual with the village site and the village drainage, and established a feeling of self-reliance while within the range of that familiarity" (Smith 1940:40). The training of children and initiates also instill the values required for living properly within societies "where face-to-face relationships, economies, and dependencies create a social fabric of respect, obligation, reciprocity, exchange and sharing" (Thom 2005:15-16). Within sq$^{w}$aliʔabs/Nisqually and ʔaciɬtalbix$^{w}$/First Peoples' societies, "such relationships are also held with the land" (Thom 2005:16). These relationships between human and non-human beings are specific within each ancestral village landscape. The landscape which is the primary focus of this work is associated

with sčəgʷaliču/Sequalitchew village, which Smith (1940) classifies as belonging to salt water peoples, or *sxwaldjábc*. The description of sčəgʷaliču/Sequalitchew contained within Waterman's compilation provides a wealth of information about the creek and shoreline integral to this landscape: "S gwa'l1t-tcu for a large creek east of the Nisqually. This term means in effect 'extensive sand banks over which the water is shallow.' It was also translated 'big tide' or 'long run out.' The sand bar is exposed for a great distance at low tide. The creek enters the sound at the eastern end of the Nisqually flats; whence the name" (Waterman 2001[1920]:328). In Hilbert and Zahir's retranslation of the name sčəgʷaliču/Sequalitchew within Waterman (2001[1920]), the term is said to mean "towards the water" (328). In either case, a definitive saltwater orientation is indicated within both the place name, and the name of the people themselves as noted by Smith (1940), *sɪgwáletcabc.*

However, this saltwater village landscape is nestled within an extensive prairie ecosystem. As Hunn (2006) notes, it is critical to keep in mind that "The received wisdom often repeated that fishing was the primary resource for western Washington tribes before Euroamerican settlement is a half-truth promoted by a well-documented male bias in the ethnographic reporting" (Hunn 2006:17). As women were the primary gatherers of shellfish, roots, berries, and many medicines, the male ethnographic bias has served to impede the anthropological understanding of the extent of sqʷaliʔabs/Nisqually and other Coast Salish ʔaciɬtalbixʷ/First Peoples resource use and place-based responsibilities. In addition to the wealth of seafoods available to the people here, the prairies of the sčəgʷaliču/Sequalitchew ancestral landscape provided a bounty of prairie-dependent plant and animal life with which the *sɪgwáletcabc*/Sequalitchew peoples developed intimate relationships.

A glimpse of the great wealth of the prairies within the sčəgʷaliču/Sequalitchew ancestral landscape can be found within the descriptions of the region authored by Americans Charles Wilkes and Clarence Bagley in the mid-nineteenth and early-twentieth centuries:

> The anchorage off Nisqually is very contracted, in consequence of the rapid shelving of the bank, that soon drops off into deep water. The shore rises abruptly, to a height of about two hundred feet, and on the top of the ascent is an extended plain, covered with pine, oak, and ash trees, scattered here and there so as to form a park-like scene. […] [The soil] is composed of a light-brown earth, intermixed with a large proportion of gravel and stones: it requires an abundance of rain to bring any crop to perfection, and this rarely falls during the summer months. At the season when we arrived, nothing could be more beautiful, or to appearance more luxuriant than the plains, which were covered with flowers of every colour and kind. […] The direction of our route was nearly south over the plain, passing occasionally a pretty lawn, and groves of oak and ash trees. Our route then continued through the most beautiful park scenery, with the prairie now and then opening to view, in which many magnificent pines grew detached. The prairie was covered with a profusion of flowers [Wilkes 1844: 05-312].

> Lying in the northern angle formed by the Nisqually River and the Sound is one of the world's beauty spots. No grand park of human creation rivals its charm of undulating plain; its silvery lakes with pebbly beaches, nestling among detached or winding groves whose vivid green of oak, maple, alder and dogwood brightens the somber hues of the prevailing evergreens. The old gray oaks, with silver-threaded mosses pendant from every gnarled limb, are almost coeval with the snowcapped mountains off toward sunrise. Here and there big pines and firs, parents of the younger brood that crowd each other for breath of air and ray of sunshine, stand sentinel guard over all this loveliness. Evergreen cones are all about, whose lower branches caress buttercup, larkspur, violet, strawberry blossom, and other sweet flowers amid the grasses at their feet and whose tops are already reaching to the shoulders of their progenitors [Bagley quoted in Meeker 1905:153-154].

The extended flower-covered "lawns" and "plains" of the sčəgʷaliču/Sequalitchew ancestral landscape, which "no grand park of human creation" could rival, are described above by some of the earliest American Settlers. Blinded by ethnocentrism, these interlopers could not possibly conceive of the truth about these glacial outwash prairies: that the active management of these lands, and the waterways and water bodies which they embrace, by the sqʷaliʔabs/Nisqually peoples of sčəgʷaliču/Sequalitchew was responsible for their "park-like" appearance (Purdue 1997). Washington State Archaeologist Rob Whitlam asserts, "Prairies can

be considered cultural landscapes, created by Indian people through their systematic manipulation of landscape to produce open areas for different resources and habitat types. Many open areas […] had been maintained as prairies in the past by selective burning and other forms of vegetation management (Whitlam quoted in Storm 2002:498). The combination of these highly complex management schema, including anthropogenic burning to which I will return below, with the unique geology, hydrology, climate, and soil chemistry at sčəgʷaliču/Sequalitchew, are the reasons that these prairie environments exist and have persisted for countless generations.

> Long ago, the peaks of Ho-had-hun were people. White people call Ho-had-hun the Olympic Mountains. One of the warrior peaks there was named Swy-loobs. He married a maiden peak, Tacobud. Even after they were married, they and other peaks kept on growing. They became so large that after a while they were crowded in their small space. Tacobud especially was growing both taller and broader. At last she said to the others, "I will move to a place not so crowded. Then there will be more room for the rest of you." She spoke to the rising sun. "The people over there have no mountains. I will move across the water and give myself plenty of room. I will take salmon and berries with me, so that people over there will have plenty to eat." The peaks of Ho-had-hun had grown so close together that Tacobud found it hard to get loose from them. But she freed herself and moved across the Sound. There she had plenty of room. She grew taller and taller, broader and broader, until she became a giant mountain. After she had been on the east side of the water for a while, she turned into a monster. She devoured the people who came up on her slopes for berries. She devoured those who came to her forests for deer and elk. She sucked into her cavelike stomach all the people who came near her. Then she devoured them. Their friends and tribesmen lived in great fear. At last they asked the Changer to come and rescue them from the mountain monster. When the Changer came, in the form of Fox, he decided to challenge Tacobud to a duel. But first he made a strong rope by twisting twigs of hazel bushes and tying them together. He tied himself to a mountain near Tacobud and then called out to her, "O mountain monster, I challenge you to a sucking contest. I defy you to swallow me as you have swallowed your neighbors." Tacobud drew in one deep breath after another. She sucked in rocks and boulders and trees, but could not make Fox move. Again and again she tried, but Fox did not even stir. The rocks which rolled by scratched and bruised him, but he could not be moved. At last Tacobud drew in such a deep breath that she burst her blood vessels. All over her body, rivers of blood gushed forth and flowed down her sides. Then the monster died, and the Changer made a law. "Hereafter, Tacobud shall be harmless. The streams of blood shall turn to rivers of water. The waters shall have plenty of fish, for the good of all the people who come to the lakes and rivers on the mountain" [Clark 1953:30-31].

Living in one of the most geologically active and complex regions in the world, the lives of the ʔaciɬtalbixʷ/First Peoples of Puget Sound, including the sqʷaliʔabs/Nisqually peoples, have been profoundly influenced by the processes and entities manifest in this constantly transforming landscape. Emerging from the interplay of numerous powerful planetary forces such as plate tectonics,[24] glaciation,[25] flooding, and water-driven erosion, the region's rich geologic legacy serves as both wellspring for, and constraint on, biological and cultural diversity. The teachings that I have shared above, a sqʷaliʔabs/Nisqually version of how təqʷubəʔ/Mount Rainier came to be in her present place, bear witness to the great time depth of human history in the region and the immeasurably deep geological and ecological knowledge held within families and lineages belonging to this place, and to whom this place belongs; knowledge which academic disciplines are really only just beginning recognize and respect. Knowledge such as the fact that, as the stories above relate, təqʷubəʔ/Mount Rainier did indeed at one time live closer to her husband duswaˑ́ylupš/Dosewallips.[26]

ʔaciɬtalbixʷ/First Peoples who carry such knowledge evidence a deep autochthonous interrelationship with their ancestral landscapes and the beings with whom they are shared. A tuwaduq/Skokomish version of the travels of taqʷubəʔ/Mount Rainier provides a wealth of knowledge pertaining to Coast Salish ʔaciɬtalbixʷ/First Peoples' shared ontological understandings as well as deep and ancient Indigenous geological and ecological knowledge:

> Long, long ago, when mountains and stars and rocks were living beings, Dosewallips, a mountain on the west side of Hood Canal, had two wives. These wives were jealous of

[24] Plate tectonics is the currently accepted geological theory used to explain large-scale movements of the Earth's lithosphere. The lithosphere is composed of the Earth's crust and upper mantle. It is divided into tectonic plates, which interact with one another in various ways, including subduction, and which float on the surface of the asthenosphere, the hotter, deeper part of the mantle (Chernicoff and Fox 2000).

[25] Glaciation is a combination of climatologic and geologic processes which include large decreases in temperature, and the expansion and retraction of bodies of ice over landforms and landscapes (Hitz 2002).

[26] Here I use the tuwaduqutSid/Skokomish language name and orthography, as represented in William Elmendorf's (1960) "The Structure of Twana Culture," because duswaˑ́ylupš/Dosewallips lives within the tuwaduq/Skokomish homelands.

> each other and quarreled frequently. At last one of them filled her basket with food and plants and crossed over to the other side of Puget Sound. As she passed over the Skokomish River, she dropped a piece of salmon, and it fell into the water. Ever since then, salmon have run up the Skokomish River. Near where Olympia now is, she dropped some bulbs of blue camas. They spread and made a great camas prairie. When the Indians came to the earth, they went there every year to dig the bulbs for food. At last the woman became weary of traveling. East of where Olympia now is, she sat down. She kept on sulking and nursing her troubles. Sometimes she grew so angry that she thundered, and the other wife thundered back. Once she gathered some fire and threw it across the Sound at the head of the other wife. It burned all the trees off her head, as you can see today. The mountain that moved away is now known as Mount Rainier. A great hole can be seen on the Olympic Peninsula where she used to stand. The other wife is now known as Mount Constance. The smaller peaks in the Olympic Mountains are the children of Dosewallips and his two wives [Clark 1953: 29].

This brief passage is rich with insights into tuwaduq/Skokomish and other ʔaciɬtalbix$^{w}$/First Peoples', such as the sq$^{w}$aliʔabs/Nisqually peoples', understandings of the nature of their sacred homelands. The story of a living and sentient volcanic mountain, moving of her own volition across the landscape, giving rise to new life within that landscape through spreading salmon runs and camas patches which were to become the sustenance of the people, demonstrates the depth of ʔaciɬtalbix$^{w}$/First Peoples' knowledge pertaining to both ecological interrelationships and geological transformation.

Present within these passages are ancient, culturally encoded understandings of the region's geologic dynamism, arising from its genesis as an active volcanic landscape wracked with intense and frequent seismic activity and reworked numerous times through glaciation. sm3tcoom Delbert Miller has also shared knowledge, albeit in a fashion limited by knowledge sharing protocols, which provides incontrovertible proof that his people, the tuwaduq/Skokomish, have been witness to one or more episodes of glaciation in the Puget Sound region, evidencing the great time-depth of human habitation within the region (sm3tcoom

Delbert Miller, personal communication 2007).[27] These histories and teachings, passed down over generations, are physically manifested in archaeological evidence collected from the Manis Mastodon site, where "initial postglacial deposits in one of these ponds near the town of Sequim, in the rain shadow of the Olympic Mountains, contain bones of mastodon, bison, and caribou, and evidence of the activities of man" (Petersen et al. 1983:215). The ancient teachings about taqʷubəʔ/Mount Rainier's move also speak to the ecology of sčəgʷaliču/Sequalitchew. "Near where Olympia now is, she dropped some bulbs of blue camas. They spread and made a great camas prairie. When the Indians came to the earth, they went there every year to dig the bulbs for food" (Clark 1958:29). This short excerpt illustrates the depth of this geological and ecological knowledge, as well as revealing some of the central and sacred nature of camas, and the prairie environments where it is found, within the lifeways of sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples of Puget Sound.

Volcanism[28] and glaciation are not the only large-scale geologic processes which have given rise to teachings and practices amongst the ʔaciɬtalbixʷ/First Peoples of Puget Sound. Stories of cataclysmic flood events are widespread, a few mentioning rain as the source, but a number likely indicating tsunami inundation, and others possibly connected with the bursting of ice-dams at the margins of proglacial lakes[29] and other ancient flood events (Clark 1958). One such story includes a reference to an area adjacent to the sqʷaliʔabs/Nisqually village landscape of sčəgʷaliču/Sequalitchew: "The Puyollop [sic] Indians, near Tacoma, say that the flood overflowed all the country except one high mound near Steilacoom, and this mound is

[27] An intertribal gathering was held on May 5, 2012 at Seattle Pacific University in which ancient teachings pertaining to Sla-hal (Bone Game or Stick Game), handed down since time immemorial, were shared; many of these teachings originating in the time before the coming of the ice.

[28] Volcanism is the set of geological processes that result in the expulsion of lava, gases, and other volcanic materials at the Earth's surface (Chernicoff and Fox 2000).

[29] A proglacial lake is a body of water formed at the leading edge of a glacier due to the generation of glacial meltwater (Hitz 2002).

called by the Indians, “The Old Land,” because it was not overflowed” (Eells 1878:71). As I will become evident, the region’s geologic processes and formations are intimately interrelated with who the sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples of Puget Sound understand themselves to be, and how they enact and fulfill their responsibilities within these eternally transforming land- and water-scapes. Additionally, these geologic processes and formations have exerted, and continue to exert, profound influence on the region’s broader ecology, inclusive of human beings. Likewise, ecological processes and living beings exert their own influences on regional geology and hydrology which, in the case of human beings, have become of a largely destructive order since the second capsizing of the world of the ʔaciɬtalbixʷ/First Peoples of Puget Sound with the arrival of Euroamericans and other peoples not of this continent.

There are numerous correlations between these autochthonous bodies of knowledge of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples, and the insights into the region’s geological processes and ecological interrelationships articulated from Western scientific and social scientific perspectives. Each of these perspectives are necessary to a deep understanding the formation of these landscapes and the geological and ecological qualities which both support and limit the location of the establishment of human, animal, and plant communities within them. These multiple perspectives are also necessary to understanding the ecological, cultural, and spiritual consequences of interacting with these living landscapes in ways which they themselves have not prescribed. One example of correlative affirmation shows that western-academically-trained geologists, at last beginning to “catch up” with sqʷaliʔabs/Nisqually and tuwaduq/Skokomish peoples, now acknowledge the existence of the Ancestral Cascades, a pre-cursor formation to today’s Cascade Range, wherein “the earliest (45–36 Ma [million years ago])

ancestral arc magmatism[30] was strongly focused in the area west of Mount St. Helens and Mount Rainier" (du Bray and John 2011:1106). The story of təqʷəbuʔ/Mount Rainier's move east to her present home and how the people came to that knowledge—from the land and entities themselves—bespeaks the intimate familiarity that the ʔáciɬtalbixʷ/First Peoples of Puget Sound have with these land- and water-scapes, their constant evolution, and their inhabitants; an intimacy and depth that Settler society is just beginning to acknowledge and try to understand.

Settler understandings of the processes which led to the current geological configuration of Puget Sound are extremely complex in their own way. The Puget Sound trough (also called the Puget Basin or Puget Lowland) is a north-south oriented lowland bounded by the Olympic Mountains to the west and the Cascade Range on the east, encompassing land forms including alpine peaks, forested and riverine landscapes, prairies, and tideflats, and forming a tremendous drainage system to a deep inland sea (Kruckeberg 1991). "No region on Earth can claim to [be home to] a greater variety of geologic features, to a greater complexity in their assembly, or [to] a more spectacular showpiece [of] the planetary-scale forces which have been responsible for their development" than the Pacific Northwest of North America (Figge 2009:iv). The westernmost continental margin has been actively transforming for hundreds of millions of years; these processes have left their traces on the land and continue to actively unfold in dramatic, sometimes destructive, ways. The ancestral western margin of the North American continent was born from the cyclical assembly and breakup of supercontinents over a two-and-a-half billion year period, culminating in the breakup of the supercontinent Pangaea in Mid-Jurassic time[31] (Figge 2009). The Atlantic Ocean was born as a product of sea-floor spreading, this same process causing the ancestral North American continental plate to move west, by virtue

[30] Magmatism is the eruption of lava, or molten rock (Chernicoff and Fox 2000; Hitz 2002).
[31] The Mid-Jurassic Period is a geologic time interval between 176-161 million years before present (ybp).

of plate tectonics. As this comparatively buoyant continental crust moved westward, it came into contact with dense oceanic crust containing a succession of volcanic island-arc chains which were partially subducted[32] under, and partially accreted[33] to, the existing coastline.

These accretionary events include the Omenica Episode (180-120 million years ago), the Coast Range Episode (120-58 million years ago), and the Challis Episode (58-38 million years ago) (Figge 2009; Kruckeberg 1991; Tabor et al. 2011; Wells et al. 1984). It is during the period of the Challis Episode in which təqʷubəʔ/Mount Rainier made her eastward journey to her present home. During this time, an oceanic plate known as the Kula Plate became began to partially subduct under the continent while being transformed by the eruption of basaltic lava[34] onto its surface, possibly rising to that surface through fault lines. The Kula Plate, with its surface basalts, "was eventually thrust underneath the edge of the continent and was accreted as the Olympic Coast Belt. These volcanic rocks are known as the Crescent Basalts [or Crescent Formation], and they make up much of the Olympic Peninsula and southeast Washington State" (Figge 2009:161). Crescent Basalts occur underneath the west shore of Hood Canal and the eastern Olympic Mountains, where təqʷubəʔ/Mount Rainier once lived with her husband duswaˑʹylupš/Dosewallips, as well as in a smaller area southwest of Olympia. The Challis Episode is the time frame in which the Ancestral Cascades Magmatic Arc was active, and as the arc evolved, "the locus of magmatism, shifted progressively eastward, culminating with the onset

[32] Subduction is one of a number of processes that can take place at tectonic plate boundaries where a dense tectonic plate is overridden by a more buoyant tectonic plate, the denser plate sinking at an angle and being subjected to intense heat from the mantle. The melting and break-up of the subducting plate can create deep earthquakes and can also lead to the formation of inland volcanoes. Shallower, crustal quakes can also occur along subduction zones at fault lines, as can outer rise earthquakes (Chernicoff and Fox 2000).

[33] During the process of subduction, as the dense oceanic subducting plate slides underneath the buoyant continental plate, ocean floor sediments are often scraped off and added, or accreted, to the edge of the continent, forming a mass of rock called an accretionary wedge. Volcanic island-arcs, less dense than the oceanic crust on which they ride, are often not subducted but accreted to the continent (Figge 2009; Hitz 2002).

[34] Basaltic, or mafic, lava is comprised mainly of iron and magnesium and is very fluid, owing to its extremely high temperature (>950$^{o}$ C). This fluidity allows basaltic lava to spread over large areas of the Earth's crust (Hitz 2002).

of modern High Cascades volcanism along the present range crest" (du Bray and John 2011:1108). Perhaps it is the traces that this eastward migration of volcanic activity left on the landscape, or esoteric knowledge of the migration itself, that gave birth to ʔáciɬtalbix$^{w}$/First Peoples' histories of təq$^{w}$ubəʔ/Mount Rainier leaving her birthplace in the Olympic Mountains.

With the demise of the Kula Plate through its partial subduction and partial accretion, an oceanic plate known as the Farallon Plate advanced back into the region, creating a convergent margin with the continent and reinvigorating subduction processes that, as discussed above, had quieted at the end of the Coast Range Episode. This reinvigoration marks the birth of the Cascade Episode in which we continue to live today (Figge 2009). The majority of the Cascade Episode, the first 30 million years, was fairly quiescent, geologically speaking. The Farallon plate was being subducted under the North American continent at what is termed the Cascadia Trench, giving rise to a transient, sporadically erupting discontinuous chain of volcanoes. As the Farallon Plate subducted further, it became divided into the northerly Juan de Fuca Plate (currently still subducting off of the Washington coast), and the southerly Cocos Plate (Figge 2009). As the Juan de Fuca plate was forced under the edge of the continent, ocean sediments were scraped from its surface, forming an accretionary wedge underneath the Olympic Coast Belt. Additional sediments were being deposited on top of this belt through the erosion of the Crescent Formation and, combined with the accreted ocean sediments and tectonic pressure, formed what is called a mélange belt,[35] the accretion of which to the continent deformed the Crescent Formation into a horseshoe shape and formed the core of the modern Olympic Mountain Range (du Bray and John 2011; Figge 2009; Pratt et al. 1997).

[35] A mélange belt is a "jumbled mixture of sea-floor and land-derived materials that have undergone high-pressure/low-temperature metamorphism, […] the process by which conditions within the Earth alter the mineral content, chemical composition, and structure of solid rock without melting it" (Chernicoff and Fox 2000:207, G-8).

As the Juan de Fuca plate continued to subduct, it reached a critical stage around 15 million years ago when it began to break up along a series of faults. To the north, the Explorer Plate was formed out of the break-up, and it ceased to subduct under the continent, but nonetheless appears to have had far-reaching effects on the region, causing the angle of subduction of the contiguous Juan de Fuca plate to increase on its northern end. This change in the angle of subduction caused the Cascade volcanic arc to shift westward and, beginning around 6 million years ago, initiated the folding and uplift processes which led to the formation of the modern Olympic and Cascade Ranges and the ancestral Puget Lowland, the "broad forearc depression[36] that extends from southern British Columbia to west-central Oregon;" processes which continue to this day (Haugerud, et al., 2003:4; Figge 2009, U.S. Fish and Wildlife Service [USFWS] 2005; Wells, et al. 1998). Erosional sediments quickly filled this trough, but the constant pressures of uplift have "kept it at or near sea level for much of the past 4 million years" (Kruckeberg 1991:14).

These geologically young mountain ranges, and the basin which lies between them, have been dramatically transformed during the past two-and-a-half million years as repeated episodes of glaciation have scoured the landscape during Pleistocene times. "As part of a global-scale phenomenon known as the recent 'ice ages,'[37] continental-scale ice inundated the Pacific Northwest dozens of times over this period" (Figge 2009:274; Kruckeberg 1991). Each glacial stade[38] was followed by a warmer interglacial period. Montane glaciers[39] were much reduced

[36] A forearc depression or forearc basin is a "sediment-trapping depression" that forms between a volcanic arc and uplifted accretionary wedge(s). A volcanic arc is "a chain of volcanoes fueled by magma rising from [a] subducting plate" inland from the accretionary wedge being formed by that subduction. (Chernicoff and Fox 2000:207).

[37] Many researchers have suggested that the joining of the North and South American continents, and the subsequent termination of equatorial ocean currents between the previously connected Atlantic and Pacific Oceans and the climate-moderating effects of those currents, lead to cyclical radical swings in global temperature (Figge 2009).

[38] A stade is a period of glacial advance and retreat (Kruckeberg 1991).

during continental ice maxima, owing to water being trapped within the continental ice sheet and not available as precipitation which would fuel their expansion (Kruckeberg 1991). During warmer, wetter interglacial periods, montane glaciers "extended themselves, often overriding continental ice deposits as they moved into the Puget Sound basin" (Kruckeberg 1991:19-20). During these interglacial periods, advancing montane glaciers helped to deepen and widen major river valleys and drainages which had begun to be cut by streams coursing down the recently uplifted mountain ranges (Figge 2009).

Geologists have evidence for at least seven continental-scale ice advances into the Puget Lowland region over the past two-and-a-half million years (Figge 2009). During each glacial interval, the advancing and retreating ice deposited a variety of glacial till[40] and glacial outwash[41], creating various landforms such as drumlins[42] and eskers[43]. "Each major glacial interval is followed by an extended interglacial period where fluvial[44], lacustrine[45], bog, and marsh deposition dominate. Interglacial deposits typically consist of clay, silt, or discontinuous

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[39] A montane glacier, or alpine glacier, is "confined by surrounding bedrock highlands" and is relatively small (Chernicoff and Fox 2000: 284). There are three types: cirque glaciers, valley glaciers, and icecaps.

[40] Glacial till is composed of a tightly compacted, unsorted mixture of boulders, gravel, sand, silt, and clay. Glacial till is typically so compacted that it is of very low permeability. (Chernicoff and Fox 2000)

[41] Glacial outwash consists of stratified sand, gravelly sand, and sandy gravel. These sediments accumulate on the bottom of the glacier as it travels over the Earth's surface, become essentially pulverized by the weight and movement of the glacier, and are deposited on the landscape by meltwater streams. Advance outwash sediments, typically poorly sorted mixtures of sands, gravels, and boulders, are deposited as the glacier advances, and are often overlain by glacial till. In contrast, recessional outwash sediments are deposited by meltwater streams, on top of the glacial till, as the glacier retreats. Outwash sediments tend to be highly permeable and deposits contain a number of regional aquifers. (Chernicoff and Fox 2000; Figge 2009; Hitz 2002)

[42] A drumlin is "a long, spoon-shaped hill that develops when pressure from an overriding glacier reshapes a moraine […] They slope down in the direction of the ice flow" (Chernicoff and Fox 2000:G-5)

[43] An esker is "a ridge of sediment that forms under a glacier's zone of ablation, made up of sand and gravel deposited by meltwater" (Chernicoff and Fox 2000:G-5). The zone of ablation is "a part of a glacier in which there is an overall gain of snow and ice" (Chernicoff and Fox 2000:G-14).

[44] Fluvial deposits are sediments that have been transported and laid down by a river or other moving water (Hitz 2002).

[45] Lacustrine deposits are sediments that have accumulated in freshwater, or former freshwater, areas (Hitz 2002).

lenses[46] of sand and gravel or peat" (Savoca et al., 2010:8). Glacial periods of twenty- to thirty-thousand years alternate with non-glacial periods of similar duration. "Those non-glacial periods were marked by climatic and ecological settings not radically different from those which we enjoy today," although each advance and retreat "resulted in modest changes to the local geography, re-arranging the landscape of the Puget Basin" (Figge 2009:280). The Puget Sound region was largely ice-free by between 15,000 and 13,000 years ago, "leaving a barren post-glacial wasteland in its wake. It took several thousand years for the land to recover from being depressed about 100 m (300 feet) by the weight of the ice, and for sea level to rise to modern heights. Over that period the basin was re-populated by plants and animals, to a state much like exists today." (Thorson 1980:286; Haugerud et al. 2003; Lyman 1988). Marine sediments deposited by the influx of salt water into the Puget Basin after the retreat of the Vashon Lobe occur at altitudes up to 50 meters above sea level. "These deposits, together with ice-marginal meltwater channels presumed to have formed above sea level during deglaciation, suggest that a significant amount of postglacial isostatic[47] and(or) tectonic deformation has occurred in the Puget lowland since deglaciation" (Thorson 1980:303).

The geologic record for the earliest episodes of glaciation in the Puget Sound is fragmentary, owing to subsequent erasure under various glacial and non-glacial regimes. These numerous episodes have left a wealth of glacial and nonglacial sedimentary deposits in what is now the Puget Lowland, as much as 2,000 feet deep just to the west of sčəgʷaliču/Sequalitchew (Salminen et al. 2002). "These deposits vary in size from sand to cobbles and boulders. All of these deposits tend to be unconsolidated. As a result, water percolates easily through these

[46] The term lens refers to an irregularly-shaped formation consisting of a deposit of permeable sediment surrounded by low-permeability sediment deposit (Hitz 2002).

[47] Isostatic deformation, or isostatic rebound, occurs as the weight of a continental ice sheet is reduced through melting, allowing the continental crust to slowly return to its pre-glacial position (Chernicoff and Fox 2000).

materials" (Salminen et al. 2002:2-8). I will discuss the importance of these glacial and nonglacial deposition processes to the formation of aquifers[48] and to the development of glacial outwash prairies, as well as to the plans for the recently controversial and potentially ecologically disastrous planned expansion of a vast gravel mine at sčəgʷaliču/Sequalitchew in Chapter 9 of this work. Discussion of the record of glacial deposition is complicated by the fact that over the 113 years since the establishment of an initial stratigraphic framework for the Puget Lowland by geologists, a number of additional deposition regimes have been identified, and by the fact many researchers have used a number of different nomenclatures to describe these deposits and the periods in which they were laid down (Borden and Troost 2001; Savoca et al. 2010).[49] Understanding these deposits in detail is necessary to understanding the locations of and relationships between aquifers, the formation of culturally, spiritually, and historically significant land forms, landscapes, and water bodies and to the ecology of the sčəgʷaliču/Sequalitchew ancestral landscape. These details also provide insights into potential impacts from the anthropogenic disturbance of this complex, delicate, and rare nearshore gravelly outwash prairie and wetland ecosystem.

[48] "An aquifer is a porous and permeable body of geologic material that stores and can transmit significant amounts of water" (Chernicoff and Fox 2000:263).

[49] For example, The Washington State Division of Geology and Earth Resources created a spreadsheet to accompany Walsh (1987) which contains the following disclaimer: "Washington Division of Geology and Earth Resources Open File Report 87-03, Geologic map of the south half of the Tacoma quadrangle, Washington and Oregon, compiled by Timothy J. Walsh, was released before the Division adopted a standard symbology for geologic units to be portrayed in 1:100,000, 1:250,000, and 1:500,000 geologic maps of Washington State. Therefore the geologic unit symbology on this map and in the accompanying text does not match that found on many later geologic maps that include the south half of the Tacoma 1:100,000 quadrangle. This makes it more difficult for the user to, for example, compare geologic unit descriptions between this map and others that have different symbols for the same unit or to compile a description for a geologic unit that occurs in more than one 1:100,000 quadrangle. This table is included to make it easier to relate the units on this map with units on later maps that use the standard symbology. The column headed "Old Symbol" lists the units on this map alphabetically. The column headed "New Symbol" lists the same units expressed in the standard symbology." (Washington State Division of Geology and Earth Resources [WSDGER] 2006, 1 p.)

Between the Nisqually River and the next major river drainage, the Puyallup, lies the "broad, poorly drained upland area" that comprises much of the landscape of sčəgʷaliču/Sequalitchew (Savoca et al., 2010: 2) Straddling the Lower Nisqually Subbasin of the Nisqually Watershed, and the American Lake Subbasin of the Chambers-Clover Creek Watershed, from sea level to a few hundred feet in elevation, the lands, water bodies, and shoreline of sčəgʷaliču/Sequalitchew are the physical manifestation of powerful geologic forces including volcanism and glaciation, as described above (Washington Department of Ecology Southwest Regional Office, Water Resources Program [WDESRO, WRP] et al. 1995). "It is no accident that the gravelly outwash prairies coincide in position with the southern terminus of the last continental ice sheet. Prairie landscapes and gravelly outwash soils take their character from the hydraulically devastating events associated with the Vashon glaciation" (Kruckeberg 1991:286). The soils formed from and deposited atop these glacial sediments serve as the substrate for the prairies, wetlands, and forests that comprise the sčəgʷaliču/Sequalitchew ancestral landscape**,** the sediments themselves serving as aquifers, aquitards[50], and aquicludes[51] (Chernicoff and Fox 2000; Easterly et al. 2005; Kruckeberg 1991; Salminen et al., 2002). The creation of the conditions for the formation of these dry and wet prairie sites may have been due to glacial deposition, aquifer formation, and low soil fertility. Active management of prairie landscapes by sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples, however, is responsible for their persistence and their expansion as will be discussed shortly (Purdue 1997). The intimate interconnections between geology, ecology, and sqʷaliʔabs/Nisqually lifeways make it impossible to explore these histories in isolation.

[50] An aquitard is a rock layer of low permeability which serves to slow, but not prevent the flow of water between aquifers. (Easterly, et al. 2005)

[51] An aquiclude is a nearly impermeable rock layer that greatly inhibits the flow of water between aquifers (Chernicoff and Fox 2000). While capable of storing water, aquicludes do not transmit water of sufficient volumes to supply a well or spring.

At least one of the multiple episodes of glacial incursion into what is now the Puget Sound region over the past two million years was witnessed by Coast Salish ʔaciɬtalbixʷ/First Peoples. The effects of glaciation upon the landscape make it impossible to fathom how long ago that witnessing was. It is possible that the glacial outwash prairie landscapes of sčəgʷaliču/Sequalitchew, said to have sprang forth at the end of the Vashon Stade[52] of the Fraser Glaciation, existed during earlier interglacial periods. It was a newly transformed world which greeted the Coast Salish ʔaciɬtalbixʷ/First Peoples the last time the ice melted, although at the various termini of the Puget Lobe, the ice had never been very thick (Kruckeberg 1991). During the Vashon Stade, areas south of the termini were open parklands, dominated by grasses (*Poaceae spp.*), sedges (*Cyperaceae spp.*), Mugwort (*Artemisia spp.*), and varieties of *Asteraceae*, as well as hosting small populations of Fir (*Abies spp.*), Mountain Hemlock (*Tsuga mertensiana*), Red Alder (*Alnus rubra*), and Willow (*Salix spp.*) (Brown 2000; Storm and Shebitz 2006). During the lattermost part of the Vashon Stade, the climate began to warm and these parkland environments began to transition to forests containing Lodgepole Pine (*Pinus contorta*), Spruce (*Picea spp.*), Fir (*Abies spp.*), Mountain Hemlock, Western Hemlock (*Tsuga heterophylla*), and Red Alder (Brown 2000). The climate was changing rapidly as the ice melted and retreated, and plant and animal communities responded to those changes. Following deglaciation, the landscape was dominated for a time by open forests hosting Lodgepole Pine, Mountain Hemlock, Fir, and Poplar (*Populus spp.*) (Brown 2000).

The climate became steadily warmer and drier between 11,200 and 9,500 ypb, allowing the expansion of open spruce and pine forest, including growing populations of Bracken Fern (*Pteridium aquilinium*), and early incursions of Douglas-fir (*Pseudotsuga menziesii*) (Brown

[52] A stade is a period of glacial advance and retreat (Kruckeberg 1991).

2000; Storm and Shebitz 2006). The climate reached its maximum average temperature between 10,000 and 6,000 ybp, during a period known as the Holocene Climatic Optimum (also known as the Hypsithermal, the Altithermal, etc.), and the vegetational mosaic began to feature Garry Oak (*Quercus garryana*) and Red Alder, while boreal species declined. Beginning around 6,000 ybp, the climate again became wetter and cooler, the vegetation reflecting this shift through an increase in the populations of Western red cedar, Pacific Yew (*Taxus brevifolia*), and Western Hemlock (Storm and Shebitz 2006).

As the climate cooled and precipitation increased, montane glaciers which had retreated during the maximum extent of continental glaciation, began to expand once again. On the high reaches of taqʷubəʔ/Mount Rainier, these montane glaciers are the origins of many rivers that drain into Puget Sound, including the Nisqually. The river has incised its channel deep into the post-glacial landscape, carving most of its course since the end of the Vashon Stade (Collins et al. 2003). The mainstem of the Nisqually River historically supported numerous species of fish who were able to migrate far up into the mountainous region, owing to the lack of natural barriers below the area currently known as Paradise within Mount Rainier National Park (Burtchard 1998). Fish species known to inhabit, or to have historically inhabited, the upper Nisqually mainstem include Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch), Sockeye Salmon (Oncorhyncus nerka), Pink Salmon (Oncorhyncus gorbuscha), Rainbow Trout/Steelhead (Oncorhyncus mykiss), Bull Trout (Salvelinus confluentus), Dolly Varden Trout (Salvelinus malma), Cutthroat Trout (Oncorhynchus clarki clarki), Mountain Whitefish (Prosopium williamsoni), and Sculpin (Cottus spp.)* (National Park Service [NPS] 2011).

The Nisqually River flows through many vegetation zones on its journey to the Sound, passing through and helping to sustain the beings within the Mountain Hemlock and Pacific Silver Fir zones on the slopes on taqʷubəʔ/Mount Rainier (Crawford et al. 2009). As the Nisqually River rushes down-gradient and enters the forested lowlands, it courses through the Western Hemlock zone, which supports tree life including: Western Hemlock, Pacific Silver Fir, Noble Fir (*Abies procera*), Big-leaf Maple (*Acer macrophyllum*), Red Alder, Alaska Yellow Cedar (*Callitropsis nootkatensis*), Sitka Spruce (*Picea sitchensis*), Grand Fir (*Abies grandis*), Paper Birch (*Betula papyrifera*), Lodgepole Pine, Ponderosa Pine *(Pinus ponderosa),* Black Cottonwood *(Populus trichocarpa),* Douglas-fir, Pacific Yew, Western Red Cedar, and Mountain Hemlock (Pojar et al. 1991). Shrubs associated with this type of vegetation zone include Vine Maple (*Acer circinatum*), Oregon Grape, Salal, Ironwood (*Holodiscus discolor*), Devil's Club, Thimbleberry (*Rubus parviflorus*), Salmonberry (*Rubus spectabilis*), Trailing Wild Blackberry (*Rubus ursinus*), Elderberry (*Sambucus spp.*), Snowberry (*Symphoricarpoa albus*), Alaska Blueberry (*Vaccinium alaskaense*), Big Huckleberry, Evergreen Huckleberry (*Vaccinium ovatum*), and Red Huckleberry (*Vaccinium parvifolium*). Commonly associated herbaceous plants include Maidenhair Fern (*Adiantum pedatum*), Swordfern (*Polystichum munitum*), Bracken Fern, Vanilla Leaf (*Achlys triphylla*), Wild Ginger (*Asarum caudatum*), Prince's Pine (*Chimaphila umbellata*), Oregon Oxalis (*Oxalis oregano*), White Trillum (*Trillium ovatum*), and Beargrass (Pojar et al. 1991). Mammals living within this rich vegetation zone include Elk, Black-tailed Deer, Mountain Lion, Coyote, Red Fox, Deer Mouse (*Peromyscus maniculatus*), Douglas' Squirrel (*Tamiasciurus douglasii*), and Mazama Pocket Gopher (*Thomomys mazama*) (Pojar et al., 1991). Bird species inhabiting these Western Hemlock communities include Bald Eagle, Red-tailed Hawk, Blue Grouse, Ruffed Grouse (*Bonasa umbellus*), Common Merganser

(*Mergus merganser*), Rufous Hummingbird (*Selasphorus rufous*) and Marbeled Murrelet (*Brachyramphus marmoratus*) (Pojar et al. 1991). This vegetation zone is also shared by amphibians such as Western Toad, and Tailed Frog (*Ascaphus truei*), and reptiles such as the Painted Turtle (*Chrysemus picta*) and Western Pond Turtle (*Actinemys marmorata*) (Pojar et al. 1991).

Nestled within the Western Hemlock Zone is the Puget Sound Area zone, "distinctive in its plant associations because of differences in climate and soils" (Brennan 2007:3). The Puget Sound Area [PSA] zone encompasses an area from the Strait of Juan de Fuca, southward along the eastside of the Olympic Range through Hood Canal, eastward throughout the Puget Lowlands, and northward into British Columbia. Annual precipitation averages between 800 and 900 mm in the Puget Lowlands, with less than half that amount falling within the rain shadow of the Olympic Mountains, and the annual average temperature is between 34 and 67 degrees Fahrenheit (Brennan 2007). "Plant communities are generally typical of the Western Hemlock Zone, but major constituents include Douglas fir and grand fir. There are also pine forests, oak groves, prairies, swamp and bog communities, and deciduous forests in areas where disturbance occurs with some regularity" (Brennan 2007:5). The areas adjacent to Puget Sound's waters are riparian areas, "transitional areas between the aquatic and terrestrial systems, or ecotones, where the interactions and influences between these two environments create gradients in the biophysical conditions and distinctive ecological processes and biota" (Brennan 2007:2).

These diverse riparian vegetation communities provide connections between terrestrial and aquatic ecosystems, and play a vital role in maintaining the ecological health of both. These communities exhibit a greater degree of biodiversity than inland communities, and the ecosystem services which they provide include slowing the rate of runoff and retaining sediments and

pollutants, providing ecologically important large woody debris, providing erosion control, and creating small-scale microenvironments upon which numerous sensitive species rely (Brennan 2007). Prior to Settler colonial disruption, "the historical climax communities in marine riparian areas were likely forests of western hemlock and Douglas fir, intermixed with western red cedar and a variety of associated understory species. In areas of frequent disturbance, early successional trees, such as red alder and maple, dominated coastal forests" (Brennan 2007:v). These nearshore communities formed a mosaic, with both anthropogenic and "natural disturbances such as fire, wind, and landslides removing the climax community in patches and "resetting" succession" (Brennan 2007:v).

With regard to nearshore terrestrial ecosystems, the *Ecological Community Information from the Washington Natural Heritage Program* Website lists over 50 upland plant communities within the Puget Trough Ecoregion (Chappell 2006). These communities are found within a number of larger vegetative associations, and all of these communities can be found within the sčəgʷaliču/Sequalitchew ancestral landscape. "Upland forest habitats support a variety of nesting birds, including the bald eagle, redtailed hawk, great blue heron, woodpeckers, and passerines, as well as mammals and amphibians" (USFWS 2005:3-22). Animal species within these upland plant communities are largely the same as those discussed in the section on the Western Hemlock and Pacific Silver Fir zones, along with a number of additional prairie- and oak woodland-dependent animals and insects discussed later within this chapter. These upland forest habitats include Douglas-fir forests; Douglas-fir/Grand Fir forests; Douglas-fir/Pacific Madrone forests; Douglas-fir/Western Hemlock/Western Red Cedar forests; Red Alder/Big-leaf Maple forests; Lodgepole Pine/Douglas-fir forests; Savannas/Conifer Woodlands; Oak Woodlands; and Grasslands (USFWS 2005). Within the Savanna/Conifer Woodland association

one plant community, the Oregon White Oak/Roemer's Fescue community, is found only on gravelly sandy loam glacial outwash plains. Within the Grasslands association, the Roemer's Fescue/White-top Aster community is one of the historically most important native prairie communities found within sčəgʷaliču/Sequalitchew and the South Puget Sound. This plant community is either dominated or co-dominated by Roemer's Fescue (*Festuca roemerii*, with Blue Camas, Prairie Lupine (*Lupinus Lepidus*), White-top Aster (*Sericocarpus rigidus*), Houndstongue Hawkweed (*Hieracium cynoglossoides*), Idaho Blue-eyed grass (*Sisyrinchium idahoense*) and Sickle-keeled Lupine (*Lupinus albicaulis var. albicaulis*) all make their home on this prairie type which, like the Oregon White Oak/Roemer's Fescue community, only occurs on glacial outwash gravels and associated soils in the southern Puget Sound Region (USFWS 2005). As noted, all of the plant associations discussed can be found within the greater sčəgʷaliču/Sequalitchew ancestral village landscape. In addition, a number of threatened or endangered species, including the Mazama pocket gopher, the streaked horned lark (*Eremophila alpestris strigata*), and Taylor's checkerspot (*Euphydryas editha taylori*) dwell within this landscape (Stinson 2005).

Riparian, freshwater wetland, and estuarine/aquatic ecosystems all play vital roles within the greater ancestral village landscape of sčəgʷaliču/Sequalitchew.[53] Riverine and riparian habitats within the sčəgʷaliču landscape and contiguous ancestral salt water village landscapes areas were historically ecologically diverse. Freshwater sources within the Nisqually Delta between sxʷdaʔdəb/Medicine Creek and sčəgʷaliču/Sequalitchew "include the Nisqually River, McAllister and Red Salmon creeks, Medicine Creek, McAllister Springs, and groundwater aquifers and artesian wells," and of course, sčəgʷaliču/Sequalitchew Creek (USFWS 2005:3-2,

[53] A significant portion of the sčəgʷaliču/Sequalitchew ancestral landscape, and representatives of all of its associated plant and animal communities, lies within the contemporary boundaries of the Nisqually National Wildlife Refuge [NNWR].

3-3). The primary sources of water in the Nisqually Basin are rainfall, snow, and glacial melt. Within the river itself, "Fine sediment (rock flour) in glacial melt causes the river to run a milky green during the summer and early fall months," and large amounts of sediments can be released and deposited during and after glacial bursts, "caused by glacial melt water collecting behind an ice dam and then being released suddenly as the dam collapses" (PCDPWU, WPD 2008:4-78). These glacial bursts occur every few years and would have historically impacted the entire river.

Red Salmon Creek, a source of freshwater that lies between the Nisqually River and sčəgʷaliču/Sequalitchew Creek, is a spring-fed creek which originates in the uplands of sčəgʷaliču/Sequalitchew, courses through marshes, and then drains into Red Salmon Slough, "which is tidally influenced and part of the Nisqually River estuary" (PCDPWU, WPD 2008:4-84). Below its head at the spring, Red Salmon Creek is fed by Washburn Creek, and, after this confluence, serves to drain a large wetland through an intertidal salt marsh area. Northeast of Red Salmon Creek and Slough is sčəgʷaliču/Sequalitchew Creek, which has its origins in Murray Creek (formerly called Upper sčəgʷaliču/Sequalitchew Creek) and American Lake (Russell 2010). Subsurface groundwater flow from American Lake flows to both sčəgʷaliču/Sequalitchew Springs and sčəgʷaliču/Sequalitchew Creek through the highly porous gravels which lie between them and, when the groundwater levels are high, American Lake contributes surface water flow to sčəgʷaliču/Sequalitchew Lake (Russell 2010). "Surface water outflow from Sequalitchew Lake, supplemented by localized groundwater discharge from the Vashon aquifer, provided the water that [historically] sustained an extensive complex of […] wetlands and Sequalitchew Creek" (Russell 2010:1). These wetlands and riparian areas of the sčəgʷaliču/Sequalitchew ancestral village landscape historically supported large, diverse aquatic and terrestrial wildlife populations.

The riverine and riparian habitats of the Nisqually Basin and the sčəgʷaliču/Sequalitchew ancestral village landscape include forested wetlands, riparian, riverine, and freshwater unconsolidated shore areas (USFWS 2005). Groundwater and surface water supports the life of the forested wetlands and, in certain areas, these wetland communities are influenced by tidal waters, creating a high energy, high nutrient surge plain which is flooded during high tides and freshwater storm events. "Between inundating floods and high tides, the forested wetlands remain wet to saturated by slightly brackish water and freshwater, and the water table is near the surface" (USFWS 2005:3-23). The canopy layer within these surge plains is dominated by Black Cottonwood, Red Alder, and Big-leaf Maple, while the understory is dominated by ether Snowberry or Salmonberry. Other plants making their homes in these wetlands include Red Elderberry, Oregon Ash, Vine Maple, Red-Osier Dogwood, and Willow (USFWS 2005). Riparian areas are important components within the sčəgʷaliču/Sequalitchew ancestral village landscape and surrounding areas, as they "provide habitat for more bird species, including passerines, woodpeckers, waterfowl, and raptors, than all other habitat types combined" (USFWS 2005:3-21). Riparian forests can be either deciduous or mixed, with the former dominated by Big-leaf Maple, Red Alder, and Black Cottonwood, and the latter by either Douglas-fir or Western Red Cedar. "Understory vegetation includes salmonberry, snowberry, Indian plum, and red-osier dogwood," and hosts smaller populations of Red Elderberry, Willows, and Pacific Ninebark (USFWS 2005:3-21).

Riverine areas are home to a small number of aquatic plants, but are mostly open water. Bald Eagles are dependent upon riverine habitats for wintering grounds, and other species that share this habitat include migratory salmonids, and a variety of mammals, amphibians, and reptiles generally found within the Western Hemlock and Pacific Silver Fir zones described

above (USFWS 2005). Riverine areas are important habitat for fish eating birds in addition to Bald Eagles, including Osprey, Kingfisher, and mergansers. "Salmonids are probably the most abundant fishes in the Nisqually River Basin, with ten species found in the Nisqually River and Estuary, McAllister Creek, and independent tributaries. Six of the salmonids observed in the Nisqually Basin are Pacific salmon," including "summer/fall chinook, winter chum, coho, and pink salmon, and cutthroat and winter steelhead" (USFWS 2005:3-26). Other fish who live in the waters of the river include herring species, white sturgeon, sculpin, char, bull trout, and Dolly Varden trout. Numerous insect species and microorganisms within the riverine environment are important foods to these fish species throughout various life stages.

Freshwater wetlands, also known as Palustrine Emergent areas, include marshes, wet meadows, seasonal ponds, and scrub-shrub habitat—each with their own diverse plant and animal communities. "Wetland vegetation ranges from sedge stands to cattails, bulrushes, willows, salmonberry, and skunk cabbage" (USFWS 2005:3-19). Marshes and scrublands are dominated by native shrubs, and also host mixed communities of forbs and grasses. Ponds that are constant features in the landscape provide habitat for grasses, pondweeds, sedges, and bulrushes. These freshwater wetland environments, fed by artesian wells and rainfall that collects in kettles and other depressions, help to support a wide range of species, including a diversity of waterfowl including dabbling ducks, herons, geese and other waterbirds, shorebirds, mammals including river otter and mink, amphibians, and invertebrates (USFWS 2005).

Estuarine ecosystems are highly integrated and complex, and provide critical habitat for "waterbirds, waterfowl, shorebirds, raptors, and salmon populations" (USFWS 2005:3-8). Nursery areas for young salmonids and other fish are found within estuaries and, in fact, "many species of plants and animals depend on the delta for one or more phases of their life cycles"

(USFWS 2005:3-8). In addition to the ten salmonid species who rely on estuarine environments, forage fish including Pacific Herring (*Clupea harengus*), Surf Smelt (*Hypomesus prettiosus*), and Pacific Sand Lance (*Ammodytes hexapterus*) make their homes within these habitats. Other fish inhabiting estuaries include White Sturgeon, Bull Trout, Pacific Tomcod (*Microgadus proximus*), Pacific Staghorn Sculipn (*Leptocottus armatas*), Shiner Perch (*Cymatogaster aggregate*), and Starry Flounder (*Platichthys stellatus*). Estuarine habitat can be divided into three general categories: vegetated intertidal areas, unconsolidated shoreline, and aquatic bed habitats. Vegetated intertidal, or estuarine emergent, areas are more commonly known as salt marshes. "These areas can be further subdivided into low, middle, and high salt marsh communities based on salinity patterns, elevation, and other factors such as substrate, wave energy, marsh age, sedimentation, and erosion" (USFWS 2005:3-19). High salt marsh plant communities are composed of plant species that can tolerate low or moderate amounts of salinity, including Lyngby's Sedge (*Carex lyngbyei*), Red Fescue (*Festuca rubra*), and Pacific Silverweed (*Argentina pacifica*). Many migrating waterfowl, particularly dabbling ducks, take advantage of the many foods available to them in this habitat. Low salt marsh areas have diffuse drainage patters owing to the hummocky topography. Low marsh within the Nisqually Delta near Nisqually Reach is moderately saline, and features sandy and/or silty soils. "Low to intermediate salt marsh plant communities are dominated by pickleweed, Lyngby's sedge, gumweed, tufted hairgrass, seaside arrowgrass, seashore saltgrass, fleshy jaumea, halberd-leaf saltbush," amongst others (USFWS 2005:3-19). Diverse migrating waterfowl, bitterns, and rails are among the species that utilize the low salt marshes.

Unconsolidated shore areas are home to sparse vegetation, owing to erosive and depositional forces which often result in changes to the topography. Landforms within this zone

include rocky shores, mudflats, and sandflats. Pioneering plants can become established when growing conditions are favorable, and often include Pickleweed (*Salicornia virginica*), Lyngby's Sedge, Seashore Saltgrass (*Disticlis spicata*), and Seaside Arrowgrass (*Triglochin maritimum*). Unconsolidated shoreline is critical habitat for a number of reasons, including the fact that "the delta mudflats and unconsolidated substrate harbor microalgae and over 80 seaweed species. Microalgae, which attaches to sediment, is a possible source of carbon to the detritus-based food web, which plays a primary role in estuarine production" (USFWS 2005:3-15). Productive unconsolidated shoreline areas are also important habitat for numerous waterfowl such as Mallard (*Anas platyrhynchos*), Bufflehead (*Bucephala albeola*), Scoter (*Melanitta spp.*), and Northern Pintail (*Anas acuta*); waterbirds such as Great Blue Heron (*Ardea herodias*), Green Heron (*Butorides virescens*), Loons (*Gavia spp.*), and Cormorants (*Phalacrocoracidae spp.*); shorebirds including Western Sandpipers (*Calidrus mauri*), Common Snipe (*Gallinago gallinago*), and Killdeer (*Charadrius vociferous*); marine mammals such as Harbor Seals (*Phoca vitulina*), Sea Otter (*Enhydra lutris),* and Steller Sea Lion (*Eumetopias jubatus*); along with numerous shellfish and marine and terrestrial invertebrate species

Aquatic bed habitats include both wetland and deepwater areas dominated by plant communities which grow beneath or on top of the surface of the water. One such community consists of eelgrass beds, which is restricted to habitats where erosion and sediment deposition are in equilibrium so that its horizontal rhizomes remain covered (USFWS 2005). The Nisqually Delta is home to the southernmost eelgrass community in Puget Sound, and it provides "shelter for fish and invertebrates and is an important source of food for shorebirds, waterfowl, benthic invertebrates, and a large number of other animals" (USFWS 2005: 3-14). Deepwater areas of the delta provide habitat for a number of marine mammals including Gray Whales (*Eschrichtius*

*robustus*), Minke Whales (*Balaenoptra acutorostrata*), Orcas (*Orcinus orca*), False Killer Whales (*Pseudorca crassidens*), and Sea Otters.

As the ecosystem characterizations and species lists summarized above illustrate, there is great biodiversity within the heart of the sqʷaliʔabs/Nisqually ancestral homelands. Perhaps most surprising are the richness and diversity of plant species, considering the relatively young age of the soils which support them. "The quality of the region's soils is defined mostly by the coniferous forests they support […] Forest soils have an acid reaction (pH values of 4 to 6) and are relatively poor in nutrient quality. Yet such soils have supported magnificent forest for thousands of years" because of the nutrient "recycling ability of the living soil mantle" (Kruckeberg 1991:438). In addition to forest soils, there are several other secondary soil series within the Nisqually watershed and surrounding areas, including alluvial soils which have been transported downstream by major rivers. "The largest sediment loads are carried by rivers with glaciated volcanoes in their headwaters. […] Sufficient, but not excessive amounts of sediment are important resources for beaches, deltas, and other coastal habitats that sustain ecosystems, vegetation, and animals that people depend on" (Czuba et al. 2011:1). Soils within the Nisqually Delta are mostly alluvial layers of silt, clay and sand, while marsh and mudflat sediments largely consist of glacial materials carried downstream from Nisqually Glacier (USFWS 2005). Other alluvial soils such as the silty loams of the Pilchuck, Puget, and Puyallup series are found within the Nisqually estuary and surge plain (USFWS 2005).

A soil series unique to the glacial outwash plains of sčəgʷaliču/Sequalitchew and contiguous areas is the Spanaway, or Spanaway-Nisqually Complex series. These shallow, "gravelly sandy loams […] are low in productivity and prone to extreme summer drought" (Stinson 2005:3). Despite their low productivity, these soils support a wealth of specialized plant

life and, in turn, a diversity of animal, and insect species, a number of which are completely dependent, for all or part of their life cycles, upon the prairie and oak woodland ecosystems found within the glacial outwash plains of the sčəgʷaliču/Sequalitchew ancestral landscape long maintained by sqʷaliʔabs/Nisqually peoples with the use of fire (Easterly et al. 2005; Purdue 1997; Stinson 2005; Storm 2004). The prairies of South Puget Sound are said to have "developed during the hot and dry Hypsithermal period, about 10-9,000 to 7,000 b.p. [years before the present]" (Easterly et al. 2005:2). sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of the region established complex relationships with these gravelly outwash prairie landscapes, as many food plants such as camas, chocolate lily, and a number of berry varieties, as well as basketry materials such as beargrass, were largely prairie dependent (Hanna and Dunn 1997). As noted in the tuwaduq/Skokomish version of taqʷubəʔ/Mount Rainier's journey, camas has been a staple and culturally central food since time immemorial. As a First Food towards whom Coast Salish ʔaciɬtalbixʷ/First Peoples have ancient responsibilities, camas depends in large part for its well-being upon the practice and transmission of cultural teachings. One such set of teachings and practices pertains to the active co-creation of ecological conditions which sustain these sacred and culturally-central entities. An example of this is the use of anthropogenic burning and other cultivation techniques, which "were used to maintain the prairie and oak woodland terrestrial resources [the people] had come to depend upon during the dryer, warmer early Holocene" (Storm 2004:6).

Over the millennia as the climate began to cool and precipitation increased, Douglas-fir and other large woody trees began to encroach on these culturally and nutritionally important areas, and sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of Puget Sound maintained the prairie landscapes through the use of fire and active cultivation (Stinson 2005; Storm 2004).

Elders' depositions from the Court of Claims case *Duwamish et al. Tribes of Indians v. United States* (79 Court of Claims 530 (1927)) provide glimpses into these complex interrelationships. Puyallup claimant Jerry Meeker recalled that:

> To my knowledge, as far as the cleared land, it belonged to the Indians, and the only clearing land—we used to burn a little brush about this month, for berries and for hunting ground; we had to keep the underbrush burned; that is, the ferns and those little brush and everything. We were very careful. The old Indians used to tell us "Don't make big fire. If it runs away, put it out again"—about this month in March […] all over the valley, even out to the prairie, burning grass […] Producing good timber and producing berries, all kinds of berries—blackberries, huckleberries, red huckleberries [UW, USCC, *Duwamish et al. v. United States* (1927): Microfilms A-7348: 630].

Puyallup claimant Mary Anne Dean testified that "when they dig the roots, that softens the ground for the younger sprouts, and the following year they come up again, They sometimes used to burn the grass or burn the underbrush to make it grow better the following year" (UW, USCC, *Duwamish et al. v. United States* (1927): Microfilm A-7348: 677). Detailed testimony provided by Puyallup Elder Louisa Duette illustrates that the responsibilities that people had to these non-human beings of the prairies took great care and skill in order to fulfill. Using ironwood digging sticks, the people would prepare the ground: "They sort of worked on it […] they don't all burn it; they just burn parts of it […] It seems where they burned at certain spots that they kind of dig around it with a sharp stick until digging time comes. […] They have fixed it, kind of planted and look after it and grow" (UW, USCC, *Duwamish et al. v. United States* (1927): Microfilm A-7348: 645; See also Hunn 2006).

While I have not yet located any documented first-hand sqʷaliʔabs/Nisqually accounts of their anthropogenic use of fire, Carpenter (1986) provides a description cited by Hunn (2006):

> The information has been passed down to us by our Nisqually ancestors that for as many years as they could remember that during the fall of each year the vast prairie areas that lay on both sides of the lower segment of the Nisqually River were burned. By burning in the fall of the year at a time when the fall rains had begun, the likelihood of the fire getting out of hand and moving into the forests was minimal. The main purpose of

> burning the thick layer of rich prairie grass was twofold. These prairies…, were each covered with a thick carpet of prairie grass, that, if left during the winter, would lay a heavy carpet over the land prohibiting the spring crop of camas plants from pushing up to the sunlight….The camas bulbs, as well as the tender shoots of the bracken ferns, which also thrived on the burned-over land, were two main sources of food of the traditional Nisqually people [Carpenter 1986:17-18 quoted in Hunn 2006:54-55].

The use of fire to maintain the gravelly outwash prairies of sčəgʷaliču/Sequalitchew did not only benefit people, plants and land animals:

> Several natural water conditioning processes were important to the proper functioning of this watershed. Precipitation falling on vegetated soil was cleansed of airborne pollutants (oxides of nitrogen, phosphorus and sulfur) as a result of their being assimilated by plants and adsorbed to fine grained topsoil particles. These airborne pollutants were primarily from volcanic eruptions, naturally occurring forest fires and the burning of grasslands by Native Americans. Infiltrating rainwater percolating through topsoil beneath the vegetative cover picked up respired carbon dioxide from soil bacteria. This functioned to impart a degree of acidity to infiltrating rain water. Mildly acidic water percolating through underlying soil dissolved calcium from gravel deposits to form water soluble calcium bicarbonate. Calcium ions in water moderate fish gill function and must be present in appropriate concentration to assure proper functioning of gill tissue. Bicarbonate ions functioned as important buffers. Buffers prevent water from becoming either too acidic or too alkaline to support salmon. Chemically conditioned infiltrating water became the substance that comprised the Vashon aquifer. The gravel deposits of the Vashon aquifer functioned as a sponge that both stored groundwater and slowly released (discharged) it to springs, streams, wetlands and lakes. Vashon aquifer groundwater discharge was the natural and historic source of water for the springs, streams, wetlands and lakes in the American Lake-Sequalitchew Creek watershed [Russell 2010:2].

The biochemical relationships between anthropogenic burning of the gravelly outwash prairies and the health of salmon populations allow us to begin to recognize and understand the depth, intimacy, holism, and wealth of sqʷaliʔabs/Nisqually and Coast Salish ʔaciɬtalbixʷ/First Peoples ecological and geological knowledge.

The transformed gravelly outwash prairie landscapes of sčəgʷaliču/Sequalitchew are filled with glacially-created landforms consisting of depositional and erosional features. The groundwater is so abundant, shallow, and free-moving in this landscape that it is often perched aboveground, accumulating in formations known as glacial kettles to become kettle lakes.

Glacial kettles are believed to form when a block of ice calves off from a glacier and is subsequently overlain by sediments. When the ice melts, it leaves a depression, called a kettle, in the topography as the sediments collapse back into the void (Hitz 2002). Glacial kettles are ecologically sensitive microenvironments, hosting plant and animal species that may be different than those found in the surrounding glacially-modified landscape. In addition to their geological and ecological uniqueness, kettles are one of a number of glacially-deposited landforms that are vested with deep significance within a number of Coast Salish ʔaciɬtalbixʷ/First Peoples' communities, being connected with, and used by, certain spiritual societies,[54] making them extremely important traditional cultural properties (sm3tcoom Delbert Miller, personal communication 2006).

Glacial kettles can either be dry, or become filled with water via precipitation, or via the infiltration of groundwater, becoming kettle ponds and lakes. Within the sčəgʷaliču/Sequalitchew ancestral landscape are a number of lakes of kettle origin, including Steilacoom, Gravelly, American, Spanaway, sčəgʷaliču/Sequalitchew, Nisqually, and Old Fort Lakes. The water levels in these lakes "generally reflect water levels in the shallow groundwater system" (Savoca et al. 2010:2). These kettle lakes, and the marshlands with which they are interconnected, including Edmond Marsh and Haney Marsh, to name but two, are particularly significant to sqʷaliʔabs/Nisqually people. Judge James Wickersham, an attorney and probate judge living in Tacoma (who later became a federal judge in Alaska and a Congressional Representative), spent some time amongst sqʷaliʔabs/Nisqually peoples during the waning years of the nineteenth century and recorded a number of fragmentary stories about these kettle lakes

[54] I use the term spiritual societies instead of "secret societies," as many Northwest Coast-focused anthropologists have done, and do. In conversation with ɗ̓ahɗ̓ahlahk/Cecilia Gobin, regarding a film made by undergraduate students in an archaeology class in which she was a student, we came to the conclusion that the term "secret societies" often leads people unfamiliar with ʔaciɬtalbixʷ/First Peoples' cultures to associate these ancient spiritual societies with the Freemasons or the Knights Templar.

and marshlands within the ancestral landscape of sčəgʷaliču/Sequalitchew (United States Congress; Wickersham 1898).

> Tu-ba-dy is the spirit of the swamps and thickets. When the Squally-absch hear the voice of Tu-ba-dy they become lost and wander aimlessly about. Tu-ba-dy does no damage to the person, no one can see it, but simply to hear its voice causes one to become lost, prevents one from knowing the right direction or finding one's home. In all cases where persons are lost in the woods, it is because they have heard the cry of Tu-ba-dy who turned them in the wrong direction […]
>
> Zach-ad is another spirit of the swamps. It is heard to cry at night in the swamps, in dense woods or other lonely places, but particularly out near Spanaway Lake. It is derived from the Squally word 'to cry' when one's relative or friend dies, and the voice of this spirit is an omen of death. Not that it will cause the death, for it merely announces a fact known to it through its intimacy with the spirits of the dead from Otlas-skio (home of the dead) […]
>
> Whe-atchee is the Indian name of Steilacoom Lake. It is given to that body of water because a female demon of that name lives in its depths. No Indian ever bathes in that lake for fear of Whe-atchee. When she shows herself it is by raising her head and right arm out of the water, elevating the little finger and thumb and closing the middle fingers, and saying "Here is my Whe-atchee." On account of the fear of this demon this lake is shunned by the Squally-absch as an evil place [Wickersham 1898:350].

Additionally, the late Cecilia Svinth-Carpenter, the Nisqually Tribal Historian referred to, and cited by, all of the academic, governmental, and privately contracted historians, archaeologists, and anthropologists who have conducted research at, and written about, sčəgʷaliču/Sequalitchew and sqʷaliʔabs/Nisqually history and culture, had this to say about the glacially-created wetlands of sčəgʷaliču/Sequalitchew: "The Nisqually Indian people were very superstitious about lakes, swamps and places where water tended to gather but not disperse or move. They believed a race of demons inhabited the lakes called the Jug-wa or Zug-wa. Nisqually Lake, Spanaway Lake and Steilacoom Lake were believed to be the abode of such demons" (Carpenter 1994:41).

Having never heard the words "demon" or "evil" used to describe any of the beings or places within the ancestral landscapes of the ʔáciɬtalbixʷ/First Peoples of Puget Sound until reading these texts immediately prior to writing this chapter, I felt it necessary to discuss these

purported teachings with salət̓u̓p̓qy̓ Leonard Squally, sm3tcoom Delbert Miller, and d̓ahd̓ahlahk Cecilia Gobin. All of them agreed that these stories are inaccurate, and one is more than a little amusing. Regarding Wickersham's version of teachings about kettle lakes, sm3tcoom Delbert Miller suggested perhaps sqʷaliʔabs/Nisqually peoples were trying to keep Wickersham and others like him from intruding into areas where they had no rights to be. I must agree with sm3tcoom because of the wealth of knowledge that he carries, and because I am aware that Wickersham was a grave robber, as I was witness to the repatriation and reburial of a skull and other human remains that Wickersham had collected from the vicinity of sčəgʷaliču/Sequalitchew (United States Department of the Interior 2003). Smith makes a revealing reference to the account of Tu-ba-dy provided by Wickersham, providing the first paragraph of the excerpt from Wickersham that I have provided above, and noting that "Unfortunately, Wickersham's material came from the entire western coast of Washington. Although Squally-absh is a local name, sqwɑ́léabc, he specifically includes all of the tribes from Vancouver Island to Gray's Harbor in the Nisqually Nation and it is difficult to say from what region or regions the above came" (Smith 1940:130 f.n. 1). As his information regarding Tu-ba-dy is so suspect, surely his understandings of other beings and powers are no more reliable.

Wickersham and Carpenter's versions of this knowledge of the beings inhabiting these swamps and kettle lakes are not the only written accounts. Waterman also includes a reference to ᵀᵘxwi'yatci[55] (the second part of this term is pronounced very much like Wickersham's "Wheatchee"), but he connects the term with American, instead of Steilacoom, Lake. Waterman

[55] In Zahir and Hilbert's retranslation of Waterman's (2001[1922]) geographical names, they render the name ᵀᵘxwi'yatci as dəxʷ xʷiyačiʔ in the Lushootseed orthography. I retain this spelling throughout the remained of this work. Zahir and Hilbert provide what appears to be a mistranslation of this place name, "a place without a hand." After discussing this translation with sm3tcoom Delbert Miller, I have decided that the term must be incorrect, as there are many stories told by peoples throughout the region of the hand which has long been known to rise out of these waters.

provides a translation of dəxʷ xʷiyačiʔ as meaning "the palm of the hand. Some supernatural being who lived in this lake used to put his hand up out of the water, but never allowed himself to be seen. Similar stories have been told to me about other localities in the region" (Waterman 2001[1920]:326). Smith (1940) also includes a reference to American Lake:

> American Lake was thought to have an underground connection with Puget Sound. The opening was about in the center at a place where a large spring comes up into the lake, a spot which never freezes over. Persons avoided this lake when traveling near it and tried not to look at it. A large human hand, opened flat with the fingers close together, was sometimes seen raised out of the water. If this was seen and it remained stationary, the experience was eery [sic] enough; if the hand slowly disappeared into the water the beholder was sure of a near death [Smith 1940:127].

I call your attention to this statement: "Persons avoided this lake when traveling near it and tried not to look at it." It is difficult to believe that this is true when people lived in longhouses next to American Lake. Louisa Duette, a Puyallup Tribal member, gave testimony during a case before the United States Court of Claims in 1927 in which she stated that she grew up in her father's longhouse at American Lake and lived there during the 1854 Medicine Creek Treaty Council, discussed in Chapter 3 (UW, USCC, *Duwamish et al. v. United States* (1927): Microfilm A-7348). Smith also asserted that "This appearance had nothing to do with power and only occurred in this lake. The lake also had an irresistible fascination for mules and horses which, if allowed to drink at it edge, waded out until they disappeared, the riders only saving themselves by jumping off and swimming ashore" (Smith 1940:127). Smith makes this assertion despite the fact that "some informants called the appearances in American Lake ayaxaus," a power of the strongest kind (Smith 1940:73).

References to dəxʷ xʷiyačiʔ ("palm of the hand"), and to a nearby location named sxʷdaʔdəb/Medicine Creek (near where the aforementioned treaty council was held), in Smith (1940) and Ludwin, Thrush, James, Buerge, Jonientz-Trisler, Rasmussen, Troost, and de los

Angeles (2005) relate them with particular kinds of spiritual powers, connected with healing, which may establish relationships with persons with the hereditary rights to seek them, should they prove worthy. This class of doctoring powers is one that only a small number of people within a small number of high class families have any hereditary rights to seek relationships with. Because of the private, proprietary, and sacred nature of the knowledges connected with these powers to which I referred earlier, I will not write in detail out of respect for those powers, peoples, and their relationships. What I will say is this: there is a "strong link between shaking and spiritual power and ceremonial observances with earth shaking in Puget Sound" and that "powers were often identified with certain geographical locations" (Ludwin, Thrush, James, Buerge, Jonientz-Trisler, Rasmussen, Troost and de los Angeles 2005; Smith 1940:58). Places where this power has been received may be associated with seismic processes and events (Ludwin, Dennis, Carver, McMillan, Losey, Clague, Jonientz-Trisler, Bowechop, Wray, and James 2005; Ludwin, Thrush, James, Buerge, Jonientz-Trisler, Rasmussen, Troost and de los Angeles 2005; Thrush and Ludwin 2007). These sites appear to generally coincide with shallow crustal faults throughout the Puget Lowland, including the Tacoma Fault, which extends through the sčəgʷaliču/Sequalitchew village ancestral landscape (Ludwin, Thrush, James, Buerge, Jonientz-Trisler, Rasmussen, Troost and de los Angeles 2005).

Teachings connected with the power discussed above are not the only references to the immense seismic forces and processes that continually transform this region.[56] As noted in the Introduction to this work, "Even when seismic power [is] not explicitly associated with healing and illness, earthquakes and tsunamis [are] understood to be moral events reflective of relationships between and among human people and the other residents of Cascadia" (Thrush

[56] The Puget Lowland is subjected to earthquakes from numerous forces: shallow crustal earthquakes; subduction and potential megathrust quakes from the CSZ, and deep, intra-slab Wadati-Benioff Zone quakes (Haugerud et al. 2003; Martin 2011).

and Ludwin 2007:7). Because of the deep intimacy of the relationships between and amongst ʔaciɬtalbix$^{w}$/First Peoples and their landscapes and the beings with whom they share them, ʔáciɬtalbix$^{w}$/First Peoples of Puget Sound have "integrated the seismic reality of their homelands into their most central cultural institutions" (Thrush and Ludwin 2007:7). When Ruth Ludwin and her colleagues decided to search for stories that might be correlated with a magnitude 9.0 megathrust earthquake[57] that had taken place along the CSZ in the year 1700, they began to realize that there is a vast body of Indigenous knowledge up and down the western coast of North America consisting of:

> stories with common thematic elements which, if they can be taken together, show that great subduction zone earthquakes may indeed be represented in the oral literature of Pacific Northwest Indians. These stories suggest a widely felt event with strong shaking, severe tidal disturbances, incursion of salt water into estuaries, and death and dislocation of Indians along the northern Washington coast and Strait of Juan de Fuca [Ludwin 1999:3; Ludwin, Dennis, Carver, McMillan, Losey, Clague, Jonientz-Trisler, Bowechop, Wray, and James 2005].

In fact, these stories provided ancient descriptions, passed down through countless generations, of not only the 1700 megathrust quake, but numerous seismic events of great magnitude that have rocked this region since time immemorial (Thrush and Ludwin 2007).

One such event or, more accurately, series of events, occurred approximately 1100 years ago, when "ruptures on four faults in the Puget Lowland and on the Cascadia Subduction Zone induced land-level change and strong-shaking" (Martin 2011:7; Martin and Bourgeois 2011; Pratt et al. 1997). Spaced very closely in time, seemingly simultaneously, a large subduction quake occurred along the CSZ, a 7.0+ magnitude quake occurred along the Seattle Fault, and other large scale, ruptures occurred along the Saddle Mountain, Olympia, and Tacoma fault

[57] The term "megathrust" does not have a widely accepted definition among geologists, other than it connotes an extremely large thrust-type earthquake. Thrush and Ludwin (2007) offer that evidence has been found which indicated that the CSZ is a single, unified, structural unit and that the CSZ can rupture along its entire length in a single event and, in fact, it has done so numerous times.

zones in the Lowland, the Tacoma fault running, as previously mentioned, through the sčəg$^{w}$aliču/Sequalitchew ancestral landscape. "These events generated liquefaction, at least one tsunami, and slope failures across the Puget Lowland" (Martin 2011:7). Seismic events of these scales and magnitudes in this region have not been experienced by Settler society. Thrush and Ludwin warn that "the next time the CSZ, the Seattle fault, or one of the other seams gives way, the resulting earthquakes and tsunamis will likely overshadow all the seismic events of the past century and a half—*combined.* The most recent event on the CSZ, for example, was one thousand times stronger than the deep quake that struck Puget Sound in 2001" (Thrush and Ludwin 2007:59; emphasis in original).

In fact, there is evidence that these tremendous seismic events have occurred quite regularly. Atwater (1987) found that "intertidal mud has buried extensive, well-vegetated lowlands in westernmost Washington at least six times in the past 7000 years. Each burial was probably occasioned by rapid tectonic subsidence" and that further evidence suggests that "tsunamis resulted from the same events that caused the subsidence" (Atwater 1987:942). Bourgeois and Johnson (2001) revised Atwater's (1987) findings, citing paleoseismic studies undertaken in southwest Washington which suggested that seven earthquakes of magnitude 8.0 or larger have occurred at the Cascadia plate boundary within the past 3500 years. Within six short years of this Bourgeois and Johnson's (2001) study, geologic evidence had been amassed which:

> points to at least thirteen megathrust quakes on the CSZ in the last seven thousand years, with an average interval of about five centuries. Meanwhile, smaller deep quakes, like the three that shook twentieth-century Puget Sound country in the late twentieth and early twenty-first centuries, and locally devastating surface quakes also punctuated indigenous life along the Northwest Coast [Thrush and Ludwin 2007:4].

And, without question, the orally-transmitted ancient histories of ʔaciɬtalbixʷ/First Peoples, as well as esoteric and proprietary knowledge about, and relationships with, particular spiritual beings have been, and continue to be, practiced and transmitted. These ancient histories and living relationships indicate experiences of great time depth; some accounts taking place in a time eons before human existence and shared as teachings by the sentient ancestral village landscapes of the Puget Sound (McMillan and Hutchinson 2002).

Megathrust quakes such as those described above, "would have had catastrophic effects on Native villages, including the collapse of houses through ground shaking, destruction of houses and belongings in mudslides or rockslides triggered by the quake, rapid subsidence[58] of coastal margins, or damage from tsunamis following major earthquakes" (McMillan and Hutchinson 2002:42). The cluster of seismic events around 1100 years ago is known to have generated a large, northward moving tsunami in Puget Sound as a result of drastic changes in land levels, and large co-seismic landslides (Bourgeois and Johnson 2001; Haugerud et al. 2003). Slope failure, landslide, and liquefaction[59] hazards are extremely prevalent in the southern Puget Lowland, owing to the instability of loosely packed glacial and non-glacial sediment layers (Martin 2011; Martin and Bourgeois 2011; PCDPWU, WPD 2008). Deltas, such as the one at the mouth of the creek at sčəgʷaliču/Sequalitchew, contain "young, loosely packed sediments are prone to co-seismic liquefaction, compaction, and subsidence, and because their low elevation and proximity to a water body make them susceptible to tsunamis" (Bourgeois and Johnson 2001:482).

[58] Subsidence is the lowering of the Earth's surface, owing to seismic forces or other factors (Chernicoff and Fox 2000).

[59] Liquefaction is "the conversion of moderately cohesive, unconsolidated sediment into a fluid, water-saturated mass" (Chernicoff and Fox 2000:G-8).

Subsidence results in not only geologic changes to landscapes, but ecological changes as well. "Subsidence during great subduction earthquakes in Chile (1960) and in Alaska (1964) changed vegetated coastal lowlands into barren estuarine flats, particularly where the subsidence was augmented by shaking-induced settlement" (Atwater 1987:7). Evidence of the ecological changes wrought by subsidence can be found in "'ghost forests' of dead cedar trees in coastal estuaries in Washington and Oregon […] The cedars, originally above the limit of the tides, were killed when their roots were suddenly plunged into salt water" (Ludwin, Dennis, Carver, McMillan, Losey, Clague, Jonientz-Trisler, Bowechop, Wray, and James 2005:140). Saltwater intrusion is not the only cause of such changes; sand and intertidal mud can also overrun marsh and forest soils in areas affected by subsidence (Cole et al. 1996: Sherrod 2001).

The drastic changes to geologic and ecologic conditions caused by subsidence are theorized to be a major cause of village abandonment in coastal areas and within Puget Sound (Hutchinson and McMillan 1997; Ludwin, Thrush, James, Buerge, Jonientz-Trisler, Rasmussen, Troost and de los Angeles 2005; McMillan and Hutchinson 2002; Minor and Grant 1996). In addition to direct inundation by tsunamis and saltwater intrusion, "abrupt subsidence of the shoreline may have affected prehistoric coastal populations by altering landforms (e.g., bays, spits, and river mouths). Abrupt changes in shoreline elevation may have disrupted the distribution of marine shellfish and sea mammals, resources on which coastal peoples depended to a considerable degree" (Minor and Grant 1996:777). Puzzled by the dearth of evidence of human settlement of the Pacific Northwest coast, considering the large populations of ʔaciɬtalbix$^{w}$/First Peoples prior to colonization, it wasn't until the 1990s that archaeologists uncovered village sites in southern Washington coastal estuaries which "show evidence for earthquake-induced subsidence and consequent burial by intertidal mud," leading them to

surmise that "because of prehistoric [sic] earthquakes, other archaeological sites may now lie hidden beneath the surfaces of modern tidelands" (Cole et al. 1996:165). In fact, because geological evidence indicates the burial of over a dozen estuaries along the CSZ, it is now widely accepted that "the concealment of coastal archaeological sites under 1 m or more of tidal mud may be widespread" (Cole et al. 1996:174). Some sites appear to have gone through multiple cycles of use and abandonment (Hutchinson and McMillan 1997).

It is not only village sites on the oceanic coast that have been subjected to seismic and co-seismic events, leading to their abandonment and occasional resettlement.

> Two archaeological sites near Seattle attest to the effects of such events on local indigenous communities. Excavations at West Point, a promontory jutting out into Puget Sound north of downtown that was used as a fish- and shellfish-processing site since at least at least 4,000 years before the present, show that that the area dropped at least a meter during the quake. The point's marshes were flooded with saltwater and a layer of sand covered the entire site. Over time, people returned to West Point and began using it as they had before the quake […] The earthquake also had the capacity to transform some locales permanently. At the Duwamish No. 1 archaeological site, excavations show that the quake lifted up a low, wet area that had been only a minor camping and food-processing site and turned it into a higher, drier spot that eventually became home to a major permanent settlement with several longhouses [Ludwin, Thrush, James, Buerge, Jonientz-Trisler, Rasmussen, Troost and de los Angeles 2005:426].

Knowing that such radical geologic and ecologic changes have been wrought within the ancestral landscapes of ʔaciɬtalbix$^{w}$/First Peoples of the region through the action of powerful seismic and co-seismic forces, I began to wonder if perhaps some of these same processes had obscured some of the physical remnants of life lived at sčəg$^{w}$aliču/Sequalitchew, and what the likelihood was of finding these remnants in intertidal and off-shore areas. My suspicions about the subsidence of the near-shore areas of the sčəg$^{w}$aliču/Sequalitchew ancestral landscape, along with areas of the Nisqually River and the ancestral landscape of sx$^{w}$daʔdəb/Medicine Creek, all within an approximately two-mile radius, have been confirmed. "Widespread buried soils, large amounts of subsidence, coeval submergence across a wide area, and ground shaking at the time of

subsidence all point to a large earthquake between 1150 and 1100 cal yr B.P. [calendar years before the present]" (Sherrod 2001:1299). At Red Salmon Creek, located within the sčəgʷaliču/Sequalitchew village ancestral landscape and the current boundaries of the City of DuPont, Douglas-fir (*Pseudotsuga menziesii*) stumps in forest soil have been found "in growth position buried by salt-marsh peat," and both macrofossils[60] and foraminifera[61] indicate a rapid transition from a forested to a salt marsh environment during this event (Sherrod 2001:1299).

The stratigraphy at Red Salmon Creek is fascinating not only for its evidence of rapid estuarine submergence, but also because of the thin zone of charcoal that had been deposited on the forest soils before salt-water inundation and deposition of salt-marsh peat, which I believe may be the result of widespread anthropogenic, human-caused and managed, burning of the prairies and forest edges. I am also convinced that the estimated 1.3 meter subsidence of areas of the sčəgʷaliču/Sequalitchew ancestral landscape during this event led to the inundation, burial, and/or abandonment of habitation and resource-gathering sites in intertidal and off-shore areas, and possibly longhouses or even village sites which have not yet been located by archaeologists, and are therefore in danger of disturbance and/or destruction due to shoreline development within the sčəgʷaliču/Sequalitchew landscape.

In addition to volcanism, glaciation, and seismicity, there are additional geological processes and living formations which are interconnected with ancient teachings amongst the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of Puget Sound:

> Rocks are anchored to their original places. They are experienced as fixed in place, immutable since the time their form and spirit power became fixed in stone. Their potential for powerful force in the world suggests to those attentive to their wisdom a modern moral lesson of leaving the features of the land intact, unchanged. They are

[60] A macrofossil is "a fossil large enough to be observed by direct inspection" (Merriam-Webster Online Dictionary).
[61] Foraminifera are large, mostly marine protozoans with calcified shells (Meriam-Webster Online Dictionary).

> powerful non-humans which have a very real and material influence in the world, not only in myth-time, but today [Thom 2005:192-193].

The people who shared their knowledge with Smith gave her an indication of the power of such beings. "At a particular point in the bay between Steilacoom and Fox Island the Indians said one should never look behind him or the canoe would get heavy and sink. At this exact spot the whites now have a buoy marking shallow water above a large rock" (Smith 1940:127). While the history of this being's creation is not provided, it is possible that it is one of a number of large rocks within the greater sqʷaliʔabs/Nisqually ancestral landscape as claimed by salətˀuƀkʷ Leonard Squally which were created by the Transformer. Waterman recorded a place named Wedwa[3] (wəwaʔ in txʷəlšucid/Twulshootseed), "'cougar,' for a place on the shoreline on the south side of Butler's Cove. One of these animals was swimming here in the myth period and was changed into a rock" (Waterman 2001[1920]:306, 308).

The life histories of these powerful beings "which were transformed to stone in the times of the First Ancestors of all these Coast Salish communities, reveal more of the multiple connections to land that are belied by simple boundary lines on maps which are frequently depicted to characterize Aboriginal territories or relationships to land" (Thom 2005:122). And yet it is through such strategies as mapping that Coast Salish ʔaciɬtalbixʷ/First Peoples' territories have been illusorily reinscribed first as *terra nullius*, and then as Euroamerican colonial outpost and exploitable resource areas (Thom 2005).

> This view, embodied within institutional forms of the state, corporate and private capital, becomes a bureaucratic antithesis of being-in-the-world, creating a world mediated by maps, texts, laws administrative systems, capital and commodities. Such tools at their worst impose a violence on Aboriginal peoples who experience them, facilitating through the dominant discourse of European colonialism the attempted reconfiguration of Aboriginal relationships to the land [Thom 2005:6].

As discussed in the next and subsequent chapters, the "discovery" of sqʷaliʔabs/Nisqually lands and waters by Euroamerican Invaders and Settlers had led to the imposition of political, spiritual, economic, and moral orders in direct opposition to teachings connected with the sacred breath of life blown by the Transformer into these ancient sentient landscapes and the beings created within and nourished by them. The consequences of the disruption of these sacred interrelationships are unfolding before our eyes.

## Chapter 2: Questionable "Discoveries" and Settler Colonialism

### Part I: "Discovery"

> On landing on the west end of the supposed island, and ascending to the eminence which was nearly a perpendicular cliff, our attention was immediately called to a land-scape, almost as enchantingly beautiful as the most elegantly finished pleasure grounds in Europe […] The summit of this island presented nearly a horizontal surface, interspersed with some inequalities of ground, which produced a beautiful variety on an extensive lawn covered with luxuriant grass, and diversified with an abundance of flowers […] Casting our eyes along the shore, we had the satisfaction of seeing it much broken, and forming to all appearance many navigable inlets…As we had no reason to imagine that this country had ever been indebted for any of its decorations to the hand of man, I could not believe that any uncultivated country had ever been discovered exhibiting so rich a picture [Vancouver quoted in Meany 1907:87-88].

In the excerpt above, George Vancouver is not describing some untrammeled "wilderness" that had never been touched by the "hand of man." He is describing the great beauty of the actively managed cultural landscapes and well-traveled waterways of the ʔaciɬtalbix$^{w}$/First Peoples of what is now referred to as Puget Sound. His poetic descriptions of the landscapes, waterways, peoples, and bounty of the region belie the violent act of appropriation in which he was engaged.

> I had long since designed to take formal possession of all the countries we had lately been employed in exploring, in the name of, and for His Britannic Majesty, his heirs and successors. To execute this purpose, accompanied by Mr. Broughton, and some of the officers, I went on shore about one o'clock, pursuing the usual formalities which are generally observed on such occasions, and under the discharge of a royal salute from the vessels, took possession accordingly [Vancouver 1798:289].

As ridiculous and ineffectual as these "formalities" sound—landing on someone's shores and making formulaic pronouncements in a language no one but yourself and the handful of people you brought with you from your vessel understand—I am not providing this anecdote for your amusement. In claiming to take formal possession of the Pacific Northwest Coast of North America through enacting these "generally observed formalities," Vancouver was drawing on a long history of European colonizing legal theory. It is this body of theory upon which the Settler colonial dispossession and elimination of the Indigenous peoples of Turtle Island, and the

exploitation of our lands and waters and the beings with whom we share them, relies. The "right" of pre-emption through "discovery" is the foundation of the rite which Vancouver was performing on the shores of Puget Sound on that June day in 1792.

The Doctrine of Discovery, and contemporary federal Indian law doctrines which arise from its application, "all originate in the medieval crusading era legal tradition of Christian European cultural racism and discrimination against non-Christian, normatively divergent peoples, carried to the New World by Columbus and those Europeans who followed him" (Williams quoted in Getches et al. 1998:36). These core doctrines of modern federal Indian law, each time courts turn to them to define the nature of Indigenous rights, reinscribe the notions of inherent Indigenous racial inferiority and white supremacy, and rationalize the Settler colonial exploitation of Indigenous lands and peoples (Williams 2005). Understanding the history and contemporary maintenance of the structures of Settler colonial domination through which sqʷaliʔabs/Nisqually peoples have been dispossessed of their territories and stripped of much of their self-determination is essential to understanding the framework within which the desecration and destruction of much of the sčəgʷaliču/Sequalitchew ancestral landscape and the rest of the sqʷaliʔabs/Nisqually homeland has unfolded and continues to unfold.

> Settler colonialism has conditioned not only Indigenous peoples and their lands and the settler societies that occupy them, but all political, economic and cultural processes that those societies touch. Settler colonialism directly informs past and present processes of European colonisation, global capitalism, liberal modernity and international governance. If settler colonialism is not theorised in accounts of these formations, then its power remains naturalised in the world that we engage and in the theoretical apparatuses with which we attempt to explain it [Morgensen 2011:53].

In addition to denaturalizing Settler colonialism, the kind of historical recounting in which I engage can contribute to the alleviation of emotional suffering of Indigenous peoples through validating experiences of trauma and resilience which we, our families, and our communities

have experienced, and through which we continue to persist (Brave Heart et al. 2011; Michaels 2010). No mere history lesson, the effects of Vancouver's performance of the formalized rites of "discovery" continue to impact the lives of the ʔaciɬtalbix$^{w}$/First Peoples of Puget Sound, including the sq$^{w}$aliʔabs/Nisqually peoples, each and every day.

The tsunami which led to the second capsizing of the world of the sq$^{w}$aliʔabs/Nisqually peoples initially emanated from the "Holy Lands" of the Middle East. The Crusades of the eleventh through thirteenth centuries were the first large-scale effort of the Catholic Church and Christian European military leaders to implement the Church's purported universal authority over non-Christian peoples outside of Europe (Getches et al. 1998; Williams 1992). In attempting to justify the conquest and dispossession of non-Christian peoples, a large body of legal theories and opinions were crafted by medieval canon law authorities which articulated the "natural law rights and obligations of infidels" (Getches et al. 1998:43; Williams 1992). These "justifications" for the Holy Wars continued to be developed by Church legal and theological authorities, and came in time to be "applied to the 'discovery' of new territories by Christian Europeans, first in Africa and then in the New World" (Getches et al. 1998:44). The canonical wave of destruction served as "moral" justification for the expropriation of Indigenous peoples from our homelands; the dispossession central to the primitive accumulation which presaged the development of capitalism and Settler colonialism.

Karl Marx's concept of primitive accumulation, articulated at the end of *Capital* Volume I, describes "the social and economic restructuring that the European ruling class initiated in response to its accumulation crisis," and "identifies the *historical* and *logical* conditions for the development of the capitalist system" (Federici 2004:62-63; emphasis in original). More than just "an accumulation and concentration of exploitable workers and capital," primitive

accumulation "was also *an accumulation of differences and divisions within the working class*, whereby hierarchies built upon gender, as well as 'race' and age, became constitutive of class rule and the formation of the modern proletariat" (Federici 2004:63-64; emphasis in original). Shifts in the balance of power between European workers and their overlords led to a weakening of the feudal system. "It was in response to this crisis that the European ruling class launched the global offensive that in the course of at least three centuries was to change the history of the planet, laying the foundations of a capitalist-world system, in the relentless attempt to appropriate new sources of wealth, expand its economic basis, and bring new workers under its command" (Federici 2004:62). Capitalism by its ever-expanding nature requires constant flows of cheap labor, land, and resources and has therefore been imbricated from the start with wars, genocides, and the expropriation and privatization of land (Federici 2004).

In 1436, King Duarte of Portugal sought the Catholic Church's permission to conquer the Canary Islands off the western coast of Africa. In response, the Pope issued the papal bull *Romanus Pontifex*, confirming Portugal's exclusive "right" to colonize the entire African continent (Getches, et al. 1998; Williams 1992). As this exclusive "right" barred all other Catholic monarchs from pursuing their colonizing and exploitationist aims in Africa, they had to turn to other parts of the world in order to satisfy their material hunger and missionary zealotry. In 1492, the Spanish Crown accepted the proposal of Genoese sailor Christopher Columbus to sail westward on behalf of Spain to search for a shorter trade route to Asia (Getches et al. 1998; Williams 1992). This agreement provided Columbus with "royal authority" to discover and conquer lands beyond the then-known borders of Christian Europe. "Columbus apparently presumed that he could lawfully claim 'discoveries' of already inhabited territories for the Spanish Crown wherever he encountered indigenous peoples who diverged from Christian-

European cultural norms of religious belief and civilization" (Getches et al. 1998:45). The Doctrine of Discovery and its concomitant notions of Indigenous racial inferiority are central to primitive accumulation and the production of an inferior, and therefore exploitable, Indigenous labor force. "Defining the aboriginal American population as cannibals, devil-worshippers, and sodomites supported the fiction that the Conquest [sic] was not an unabashed quest for gold and silver but was a converting mission" (Federici 2004:221). Columbus' "discoveries" and Spain's assertion of its divine right to colonize these lands and their peoples, was confirmed by Pope Alexander VI through a series of papal bulls, including the bull *Inter caetera Divinae*, issued on May 4, 1493. This bull states in part that:

> Wherefore, all things considered maturely and, as it becomes Catholic kings and princes, considered with special regard for the exaltation and spread of the Catholic faith—as your forefathers, kings of illustrious memory, used to do—you have decided to subdue the said mainlands and islands, and their natives and inhabitants, with God's grace, and to bring them to the Catholic faith […] with the proviso, however, that these mainlands and islands found or to be found, discovered or to be discovered […] be not actually possessed by some other Christian king or prince [quoted in Getches et al. 1998:46].

This papally-recognized "right" of pre-emption, wherein the Christian "discoverer" of non-Christian peoples and their homelands could claim hegemony over them in the name of a sponsoring Christian monarch, provided Spain the "rights" to colonize, "civilize," and Christianize the "New World."

In response to these papal bulls, Spanish legal theorists began to articulate doctrines pertaining to the rights of Indigenous peoples:

> The settler colonisation of Indigenous Americans demonstrates that questioning their degree of humanity and their genealogical relationship to European patriarchal authority defined their subjection to Western law and its exception. Dale Turner examines these questions by reference to the Valladolid debate of 1550-51, in which Bartolomé de las Casas and Juan Gines de Sepulveda deliberated the deadly treatment of Indigenous Americans under Spanish rule by considering the theological and legal significance of their humanity. The Valladolid debate was contextualised by a Papal bull of 1537 having already decreed an end to formal enslavement of Indigenous Americans by deeming them

> unequivocally human and capable of salvation. Las Casas argued that Papal recognition of Indigenous peoples' humanity meant that they should be brought to Christian belief and law without force or coercion. In contrast, Sepulveda argued that even if recognizably human, Indigenous peoples remained in Aristotelian terms 'barbarians' who were naturally inclined to enslavement, and furthermore that the Spanish remained bound to punish them for crimes against God's law [Morgensen 2011:61].

Franciscus de Victoria's lectures on Indigenous rights are also "widely recognized as a primary source of the basic principles of post-sixteenth century Spanish colonizing legal theory as well as the treatment of indigenous colonized peoples under modern international and United States law" (Getches et al. 1998:48). While Victoria dismissed the theory of "title by discovery," and acknowledged that the Indigenous peoples of the Americas possessed rights under natural law, he argued that Indigenous peoples were nonetheless subject to the Law of Nations and that our colonization could be justified if we were found to be in violation of its universally binding norms. Acknowledging that Indigenous peoples might not have a full understanding of the European Law of Nations, Victoria, "suggested that the Indians should be placed under a civilized nation's guardianship. The civilized nation would then hold just title over the property of Indians and undertake the responsibility for administering their affairs" (Getches et al. 1998:51).

As will become clear within this and subsequent chapters, the notion of guardianship over "normatively divergent" and "savage" peoples became enshrined within federal Indian law very early on in American history as a strategy of Settler colonial elimination, and continues to exert tremendous legal force in the lives of Indigenous peoples within the borders of what is now the United States. The construction of Indigenous peoples as racially inferior to Europeans is an example of cultural violence.

> The study of cultural violence highlights the way in which the act of direct violence and the fact of structural violence are legitimized and thus rendered acceptable in society. One way cultural violence works is by changing the moral color of an act from red/wrong

> to green/right or at least to yellow/acceptable; an example being 'murder on behalf of the country as right, on behalf of oneself wrong'. Another way is by making reality opaque, so that we do not see the violent act or fact, or at least not as violent. Obviously this is more easily done with some forms of violence than with others [Galtung 1990:291-292].

The cultural violence expressed through the ideologies of white racial hegemony and Indigenous inferiority serves as milieu and justification for the direct violence of genocide, dispossession, and forced acculturation, as well as the structural and institutional violence of racial domination that operates through the governing structures and jurisprudence of Settler colonialism. The triangle of direct, cultural, and structural violence, coalesced as Wolfe's (2006) structural genocide and rooted in European canonical law, is essential to the maintenance of the contemporary American Settler colonial system.

England, at the time of Columbus' "discovery" of the Americas, was a Catholic nation bound by the same canon law notions of pre-emption as Spain:

> [P]reemption provided that natives could transfer their right of occupancy to the discovering sovereign and to no one else. They could not transfer dominion because it was not theirs to transfer; that inhered in the European sovereign and had done so from the moment of discovery. Dominion without conquest constitutes the theoretical (or "inchoate") stage of territorial sovereignty […] In other words, the right of occupancy was not an assertion of native rights. Rather, it was a pragmatic acknowledgment of the lethal interlude that would intervene between the conceit of discovery, when navigators proclaimed European dominion over whole continents to trees or deserted beaches, and the practical realization of that conceit in the final securing of European settlement, formally consummated in the extinguishment of native title [Wolfe 2006:393].

Over time, English jurists refined and carried forward theories on the nature of "infidel" rights to suit their own aims of colonization (Getches et al. 1998; Williams 1992). In 1497, King Henry VII issued a charter of discovery to John Cabot "to seek out, discover, and find whatsoever isles, countries, regions or provinces of the heathen and infidels whatsoever they be, and in what part of the world soever they be, which before this time have been unknown to all Christians" (quoted in Getches et al. 1998:53). Simultaneous with colonial expansion abroad, European powers

began to privatize and expropriate land within their own borders in the late 15th century through such means as "the evictions of tenants, rent increases, and increased state taxation, leading to debt and the sale of land […] Many tenure contracts were also annulled when the Church's lands were confiscated in the course of the Protestant Reformation" (Federici 2004:68-69).

With the dawn of the Reformation era in England and the fall of British Catholicism, the Protestant Crown further "perpetuated the tradition of sanctioning expeditions and conquest of non-Christian lands, and even granted monopolistic privileges to trading companies" (Getches et al. 1998:53). Queen Elizabeth I commissioned Sir Humphrey Gilbert and Sir Walter Raleigh to establish colonies in North America in order to counter Spanish influence. While unable to establish a permanent presence on the continent during Elizabeth I's reign, in 1606 a group of English merchants and investors organized the Virginia Company to establish the colonies which Elizabeth I and her grandfather Henry VII had envisioned.

> American settler societies formed distinctly when practicing franchise colonialism: often, by removing European migrants to cultivate 'emptied' land, while amalgamating Indigenous peoples within societies dutiful to settler productivity; and by creating franchises that require prior and ongoing conquest of Indigenous peoples to exist and sustain [Morgensen 2011:57].

Largely free to develop their own systems of acquiring territory from the Indigenous peoples whose homelands they invaded and enclosed, many of the colonies frequently and sought and obtained consent from Indigenous Nations for colonists to settle within these inhabited lands through treaty or purchase (Getches et al. 1998; Williams 1992). This initial recognition of the land ownership rights of Indigenous nations by Settler colonial governments was a practical necessity, owing to the political and military power of peoples such as my own, the Roti'nonshon:ni/Iroquois Confederacy (Getches et al. 1998; Williams 1997, 1999).

It wasn't only Settler colonial governments who were engaged in usurpation and exploitation. In 1670, the Hudson Bay Company [HBC] was chartered by King Charles of England who bestowed on the company a trade monopoly over all of the lands and waters that they "discovered." Additionally, HBC was granted "governmental rights which included the power to legislate for the territory and to administer justice in both civil and criminal cases. They were given military authority, the right to build fortifications, and to defend them, and to choose and commission officers" (*The Steilacoom Tribe of Indians v. The United States of America* 11 Ind. Cl. Com. 307 (1962)). As will be discussed below, the HBC and its subsidiary, the Puget Sound Agricultural Company [PSAC], were to eventually become two of the agents of dispossession of the sqʷaliʔabs/Nisqually peoples from the sčəgʷaliču/Sequalitchew ancestral village landscape.

As European invasion and settlement swelled and competing European sovereigns attempted to establish hegemony over the continent, encroachments on Indigenous territories in eastern North America by British Settlers lead to tensions which threatened the Crown's imperial interests. Much time was spent cultivating diplomatic relationships with my own people, the Kanien'keha:ka/Mohawk, and with the Roti'nonshon:ni/Iroquois Confederacy of which we are a member Nation. "When the British decided to send some of the colonies' most influential citizens to seek alliance with the Iroquois, the treaty councils that resulted provided more than an opportunity for diplomacy. They enabled the leading citizens of both cultures to meet and mingle on common and congenial ground, and thus to learn from each other" (Johansen 1982:29). Part of what the British colonists learned from the Roti'nonshon:ni/Iroquois were the democratic principles which they embraced (and which they later corrupted in the formulation of their own government under the United States Constitution) on their journey to becoming "American"

(Johansen 1982). During the 1754 Albany Congress, representatives of the governments of the British colonies met in order to secure the alliance of the Roti'nonshon:ni/Iroquois, and to formulate and enact a plan of union (Johansen 1982). During the Congress Benjamin Franklin raised the issue, which he had raised in print the previous year, of his difficulty understanding why the colonists found it so difficult to unite when the Roti'nonshon:ni/Iroquois had done so countless centuries before. "It would be a very strange thing if Six Nations of Ignorant Savages should be capable of forming a Scheme for such an Union and be able to execute it in such a manner, as that it has subsisted Ages, and appears indissoluble, and yet a like union should be impracticable for ten or a dozen English colonies" (Franklin quoted in Johansen 1982:45).

The Albany Plan of Union, modeled largely after the Kaianereko:wa/Great Law of Peace of the Roti'nonshon:ni/Iroquois Confederacy, which emerged from this meeting was proposed to colonial leaders as the outline of a system of centralized governance. This plan also provided for the unified regulation of trade with Native peoples, and the regulation of the sale and settlement of Indigenous lands by the Colonial Grand Council. The regulation of land transactions by the Council:

> aimed to stop, or at least slow, the pellmell expansion of the frontier that resulted in settlers' occupation of lands unceded by the Indian nations. Such poaching was a constant irritant to the Iroquois; the subject of land seizures had come up at every treaty council for at least two decades before the Albany plan was proposed. Like the traders' self-interested profiteering, the illegal taking of land by frontiersmen was seen by Anglo-American leaders as a threat to the Anglo-Iroquois alliance at a time when worsening diplomatic relations with France made alliance with the Iroquois more vital [Johansen 1982:49].

The Albany Plan, however, was rejected by both the governments of the colonies, and by the British Crown. In attempting to maintain control over the colonies, the Crown asserted its right to control the sale and settlement of Indigenous lands. In order to gain the alliance of powerful

Eastern Tribes against the French, Britain began to prohibit settlement of western lands held by Tribes, securing the alliance of many Indigenous Nations and peoples (Getches et al 1998).

The policy of Crown pre-emption of settlement was formalized by King George III's Royal Proclamation of 1763, which "declared the territory beyond the eastern mountain ranges off limits to settlement and reserved to the Tribes of the region" (Getches et al. 1998:59). This proclamation, however, did little to stop the theft of Indigenous homelands by British subjects. Bristling over this assertion of Crown authority over the acquisition rights of colonial governments, colonists began to illegally and often forcibly appropriate Indigenous territories. "A global dimension to the frenzy for native land is reflected in the fact that, as economic immigrants, the rabble were generally drawn from the ranks of Europe's landless" (Wolfe 2006:392). Among these thieves was George Washington,[62] who was deeply involved in illegal land speculation within Indigenous territories (Getches et al 1998:59). Soon, Washington and other colonists went to war with Britain in large part to secure the "right" to dispossess Roti'nonshon:ni/Iroquois and other Indigenous peoples of our homelands according to their own terms.

To provide some insight into early American federal Indian policy, Washington's orders to General John Sullivan regarding the intent to exterminate my people are instructive:

> The Expedition you are appointed to command is to be directed against the hostile tribes of the Six Nations of Indians, with their associates and adherents. The immediate objects are the total destruction and devastation of their settlements, and the capture of as many prisoners of every age and sex as possible. It will be essential to ruin their crops now in the ground and prevent their planting more. I would recommend, that some post in the center of the Indian Country, should be occupied with all expedition, with a sufficient quantity of provisions whence parties should be detached to lay waste all the settlements around, with instructions to do it in the most effectual manner, that the country may not be merely overrun, but destroyed. But you will not by any means listen to any overture of peace before the total ruinment of their settlements is effected. Our future security will be

[62] There is a name that my people gave to George Washington, which has been applied to every subsequent U.S. President: Ranatakarias/Destroyer of Towns.

> in their inability to injure us and in the terror with which the severity of the chastisement they receive will inspire them [Washington 1779].

Driving many Roti'nonshon:ni/Iroquois people from our homelands in his scorched earth campaign, Washington accelerated the unfolding of American genocide.

Having been frustrated in their colonizing aims in the east owing to their losses to the Americans during the Revolution, Britain turned to the Pacific Northwest. British explorers began in the mid-eighteenth century to search in earnest for the fabled Northwest Passage between the Atlantic and Pacific oceans in order to solidify the Crown's monopoly on trade. Over the next half-century, Spain and Britain asserted competing claims of "discovery" regarding the Northwest Coast of North America, culminating in what came to be known as the Nootka Sound Controversy (Clayton 2000). The controversy centered around the establishment of a British presence in Nuu-chah-nulth Indigenous territory, despite Spanish claims of discovery, and resulted in the Spanish appropriation of British property, including buildings, goods, and vessels. The dispute was officially settled by the Nootka Convention in 1790, under which both Britain and Spain claimed the purported joint right to explore and settle the Northwest Coast, but the Convention lacked effect (Clayton 2000). In 1792, the British government sent Captain George Vancouver as an emissary to meet with the Spanish Captain Juan Francisco de la Quadra, in an attempt to bring the situation to a peaceable end (Clayton 2000). Despite the failure of Vancouver to execute an agreement with Quadra, his voyage to the Northwest Coast proved immensely valuable to the British government and life-altering for Coast Salish ʔaciɬtalbix$^{w}$/First Peoples. It was during this visit that Vancouver traveled through the waters of Puget Sound and performed his odd little ritual of dispossession described in the opening of this chapter, claiming the homelands of the ʔaciɬtalbix$^{w}$/First Peoples of Puget Sound through the structural violence of the Doctrine of Discovery in the name of the British Crown.

This wasn't the only ritual of dispossession which Vancouver enacted. "The systematic mapping, naming, and classification of the lands, peoples, and resources of the world was geared to the search for markets and profits, and explorers conceived the world as a 'chaos out of which the scientist produced an order'" (Clayton 2000:8). Through rendering his maps and charts, providing "order" to the "wilderness," and rendering "nature" calculable and commodifiable, Vancouver lay claim to ʔaciɬtalbix$^{w}$/First Peoples' ancestral homelands through cartographic reinscription and the erasure of ancient placenames. "The founding act of Christian imperialism is a christening. Such a christening entails the cancellation of the native name—the erasure of the alien, perhaps demonic, identity—and hence a kind of making new; it is at once an exorcism, an appropriation, and a gift" (Greenblatt 1991:83). Vancouver's conscious omission of ʔaciɬtalbix$^{w}$/First Peoples' placenames on his maps is an attempt to erase ʔaciɬtalbix$^{w}$/First Peoples' history and living within their homelands (Clayton 2000). Here we see just how difficult it is to parse out the functioning of direct, structural, and cultural violence, as all of them are operative. The presumption of the absence of Indigenous placenames, or their conscious denial and replacement, is premised upon the cultural violence operative within notions of Indigenous racial inferiority. The supplanting of Indigenous placenames with names derived from the culture of the colonizer is both direct and structural in that it is an action that takes place within the system of racial domination and effects both a psychological and spiritual wounding.

This erasure and replacement is a violent act of Settler colonial elimination; one which Walters, Beltran, Huh, and Evans-Campbell refer to as a land-based microaggression.[63] Colonial renaming is an act of violence which:

[63] "Microaggressions are the chronic, everyday injustices that Natives endure – the interpersonal and environmental messages that are denigrating, nullifying, demeaning, or invalidating. These verbal and nonverbal encounters place the burden of addressing them on the recipient of the encounter, creating chronic stress" (Walters, Beltran, Huh, and Evans-Campbell 2011:182).

> creates new protocols by which people are expected to behave. Colonial renaming is an attempt to reset protocols to place. For Native peoples, naming is a very sacred process; with a name comes relational protocols for both the named place as well as those who are in association with the named place. Naming establishes protocols and responsibilities to place, clarifies the significance of place in relation to those protocols and the people for whom it is named, and creates expectations for types of behavior to occur in relation to that place. The renaming of indigenous places quite literally supplants sacred meaning with metaphorical and symbolic colonial reminders and "conquest" messages […] of the power and privilege of colonial control [Walters, Beltran, Huh, and Evans-Campbell 2011:182].

Because of the intimate familial connections that Indigenous peoples have with our homelands and the beings with whom we share them, such land-based microaggressions both "render invisible indigenous presence and realities" within our homelands and "serve to diminish identity" (Walters, Beltran, Huh, and Evans-Campbell 2011:182). The renaming of the great inland sea as "Puget Sound," or the beautiful təqʷubəʔ as "Mount Rainier," or any number of acts of linguistic appropriation, attempt to disrupt Indigenous interrelationships with place and the practice and transmission of place-based responsibilities and teachings. The very real physical, emotional, and spiritual effects of superimposition of the place names and "land use values" of the colonizer on Indigenous homelands, priming them for expropriation and exploitation, is an attempt to assimilate Mother Earth herself, along with all of our relations.

"In fashioning Vancouver Island as a cartographic shell—representing it in faint but intricate outline—Vancouver contributed to an imaginative geography that recontextualized the Northwest Coast from imperial vantage points" (Clayton 2000:197). Through rendering landscapes "empty" through the conscious omission of Coast Salish ʔaiɬtalbixʷ/First Peoples' placenames on his maps, in combination with the textual descriptions of the region's plants, animals, and peoples crafted by him and his crew members, Vancouver created for British imperial eyes and minds a vision of easily exploitable bounty. Astounded by the vast wealth that could be generated via the commodification and exploitation of our relations—the region's plant,

animal, and mineral life—Vancouver and his men wrote extensively about the qualities of the "Puget Sound" that would most pique the interest of the British Crown. The journals of Peter Puget, for whom the great inland sea of the ʔaciɬtalbixʷ/First Peoples had been renamed, are replete with images of the region as a bountiful, park-like paradise with imposing mountains, thick valuable timber, abundant plant foods, vast prairies, and waters teeming with life (Blumenthal 2007). Other possibilities for profit were not overlooked by Vancouver and his men. While exploring the islands of the southern Puget Sound near sčəgʷaliču/Sequalitchew and Nisqually Reach, Puget encountered people who were almost certainly sqʷaliʔabs/Nisqually. "We did not see a Single Sea Otter Skin among the whole Party but Plenty of Bear Raccoon Rabbit and Deer used as garments—these they willingly parted with in exchange for our Articles" (Puget quoted in Blumenthal 2007:36). In describing the willingness of the local ʔaciɬtalbixʷ/First Peoples to trade, Puget makes clear that the ultimate aim of Vancouver's foray into the Sound is assessing the facility with which profit can be made.

Puget and Vancouver made numerous observations of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples which served another purpose:

> The People in their Persons were low and ill made with broad faces and small eyes—Their Foreheads appear to be Deformed or out of Shape comparatively Speaking with those of Europeans—The Head has something of a Conical Shape—They wear the Hair Long with Quantities of Red Ochre intermixed with whale Oil or some other Greasy Substance that has a Similar disagreeable Smell [Puget quoted in Blumenthal 2007:21].

The discursive construction of the Native as "different," as "Other," serves as one of the "strategies by which European-derived cultures sanctioned and upheld their exercise of colonial power over non-European races" (Williams quoted in Parea et al. 2000:26). The concept of race as a biologically distinctive category was developed by northern Europeans over the course of the sixteenth through nineteenth centuries as a folk classification system arising from their

encounters with people who differed from them physically or culturally (Feagin and Feagin in Parea et al. 2000:5).

> European xenophobic traditions such as anti-Semitism, Islamophobia, or Negrophobia are considerably older than race, which, as many have shown, became discursively consolidated fairly late in the eighteenth century. But the mere fact that race is a social construct does not of itself tell us very much. As I have argued, different racial regimes encode and reproduce the unequal relationships into which Europeans coerced the populations concerned [Wolfe 2006:387].

Numerous theories of difference have been proposed over the centuries in order to explain the existence of human beings in the "New World." In order to account for the fact that Indigenous peoples in the Americas were not discussed in the Bible, Christian thinkers had to reconcile our existence with the concept of a singular, monogenetic creation (Berkhofer 1978). Theories had to be developed to explain the physical and cultural differences between Indigenous peoples and Europeans which sustained the notion of monogenesis. In 1590, the idea of a migration of Indigenous peoples across a theoretical land bridge from Asia, subsequent to Creation, was first proposed by Jose de Acosta. Building on Acosta's theories, Christian thinkers first proposed that Indigenous peoples were degenerate copies of more "advanced" civilizations—becoming decayed as they moved forward in time, and eastward geographically, from the expulsion of humans from the Garden of Eden (Berkhofer 1978). Over the ensuing centuries, with the dawn of the Enlightenment Era, this purported degeneration came to be attributed to the influence of environmental factors (Berkhofer 1978).

While the concept of evolution had not yet developed by Vancouver's time, the concept of degeneracy was certainly familiar to him as a scientist of the era. Vancouver's descriptions of ʔaciɬtalbix$^{w}$/First Peoples as "deformed" and decidedly "savage" worked in tandem with his cartographic reinscription of the landscape to prime the British imperial mind for the usurpation of Coast Salish territories. This dehumanization of Indigenous peoples, and the white

supremacist attitudes with which it is dialectic, are also evidenced by the desecration of the burials of our ancestors. In describing encountering ʔaciɬtalbix$^{w}$/First Peoples' canoe burials wherein people were interred off the ground in canoes suspended within the limbs of trees, Puget confesses that "The Bones round the Fire Place were left undisturbed but the Curiosity of some of our People had induced them to cut the Canoe and Basket down and instead of replacing them in their former Situation, they were left on the Beach" (Puget quoted in Blumenthal 2007:27). The desecration of Indigenous gravesites is a form of direct violence both sanctioned and propelled by notions of Indigenous subhumanity.

The British were not alone in their attempts to appropriate and refashion sentient Indigenous homelands and waters as commodities, and dehumanize Indigenous peoples, in the Pacific Northwest. Vancouver's claiming of Puget Sound on behalf of the British was secondary to the main purpose of his voyage: meeting with representatives of the Spanish Crown in order to attempt to resolve competing claims to the Northwest. The 1790 Nootka Convention had purportedly opened the territory which Spain claimed in the region to exploration and settlement by other colonizing powers (Clayton 2000). Britain, however, claimed exclusive rights to colonize the region by arguing that under the Law of Nations, "discovery" itself was not enough to bar other nations from making claims, and that occupation and settlement were necessary to establish an exclusive right against other sovereigns (Clayton 2000). Vancouver's meeting with Quadra in 1792 was meant to resolve these competing claims. During the meeting, Quadra informed Vancouver of the fact that American fur trader Robert Gray had laid claim to a great river in the south—exercising the colonizer's prerogative and naming it for his ship, the *Columbia*—on behalf of the United States a full month before Vancouver had claimed the lands

and waters of Puget Sound for England, thus igniting the dispute between Britain and the United States regarding the placement of the Oregon territorial border.

> The derivation of rights of sovereignty from facts of discovery and occupation were at the core of both disputes [between Britain and Spain, and Britain and the United States]. But there were basic differences between these two geopolitical processes. The Nootka crisis evolved at the interface of British mercantilism and Spain's American empire, and it spiraled into the international maze of European revolution. The Oregon boundary dispute, on the other hand, evolved at the interface of two land empires and involved visions of permanent occupation [Clayton 2000:201].

The tensions between British and American assertions of Settler colonial hegemony would continue to escalate over the subsequent half-century.

The fledging American republic had wasted no time in instituting its own policies of Indigenous dispossession. Just four short years after his genocidal campaign against my people, George Washington guided the young nation in a new direction regarding federal Indian policy:

> Policy and [economy] point very strongly to the expediency of being upon good terms with the Indians, and the propriety of purchasing their Lands in preference to attempting to drive them by force of arms out of their Country; which as we have already experienced is like driving the Wild Beasts of the Forest which will return as soon as the pursuit is at an end and fall perhaps on those that are left there; when the gradual extension of our Settlements will as certainly cause the Savage as the Wolf to retire; both being beasts of prey tho' they differ in shape [Washington letter to Duane, September 7, 1783, quoted in Getches et al. 1998:85].

In addition to being employed as means with which to cement alliances of peace, friendship, and trade:

> Treaties register and mediate a structural disjunction between the continuing existence of autochthonous Native collectivities that predate the formation of the United States and the adoption of a jurisdictional imaginary in which such collectivities are imagined as part of U.S. national space. More than merely recognizing Native peoples as "distinct political societ[ies]" with whom the United States must negotiate for territory, however, the treaty system also seeks to interpellate Native polities into U.S. political discourses, presupposing (and imposing) forms of governance and occupancy that facilitate the cession of land. While in one sense acknowledging Native peoples as "separate" entities from the United States, the treaty-based Indian policy of the late eighteenth and early nineteenth centuries also sought to confirm the United States' "ultimate title in the land

> itself," thereby indicating the stresses generated by the narration of Native nations as domestic [Rifkin 2009:96].

A "kinder, gentler" form of dispossession was being embraced, largely because my own people could not be defeated. What had not changed was the racist construction of Indigenous peoples as subhuman. "Racism is the generalized and final assigning of values to real or imagined differences, to the accuser's benefit and at his victim's expense, in order to justify the former's own privileges or aggression," which become embodied within structures of oppression (Memmi 1968:18). The notion of Indigenous peoples as being like "Wild Beasts of the Forest" and "wolves" is the manifestation of the cultural violence of racism, foundational to the development and maintenance of Settler colonialism.

The federal government of the United States set out its formal policy of Indigenous expropriation beginning with the Northwest Ordinance, approved by Congress in 1789 (Getches et al. 1998). Detailing the means through which the United States intended to exercise its sovereignty and the processes by which new lands would be incorporated into the American empire, the Northwest Ordinance spoke briefly to the nation's intended Indian policy:

> The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them [Northwest Ordinance, July 13, 1787].

While these principles of good faith and obtaining consent for alienation were most often ignored, the Northwest Ordinance, in combination with early treaties and a series of Trade and Intercourse Acts, articulated the exclusive power of the federal government to regulate land sales and other transactions with Tribal Nations and individuals (Getches et al. 1998). The same year that the Northwest Ordinance was enacted, Secretary of War Henry Knox suggested to Congress

that the most humane solution to the "Indian Problem" was the removal of Indigenous peoples from our homelands.

> The assumed inferiority of American Indians to assimilate with white civilization was also a premise of post-Revolutionary Indian policy. It was not until the Louisiana Purchase in 1803, however, that United States policymakers actually began to debate the tactics of inducing the Indians east of the Mississippi to exchange their remaining ancestral lands for a permanent territory in the West [Getches et al. 1998:94].

The Louisiana Purchase, through which the United States acquired France's claims to lands within what is now the United States "theoretically doubled the size of the nation. In the space thus opened up, removal mediated between dominion and possession, exchanging native title for a contractual substitute that obtained under the legal system of the United States" (Wolfe 2011:28). The Louisiana Purchase also brought into sharp relief the tensions over British and American claims in the Northwest.

The United States asserted its "right" to colonize the Northwest through claiming that Robert Gray had "discovered" the Columbia River. In 1805, two years after the Louisiana Purchase, Lewis and Clark traveled the length of the great river, and the United States offered their journey as further evidence for the superiority of American claims. American capitalist John Jacob Astor's Pacific Fur Company established Fort Astoria in what was to become Oregon Territory in in 1811, but the American presence in the region was short-lived, as Astor sold the fort to the British North West Company in 1813 (Ronda 1990). Tensions between the two nations escalated for a number of reasons, including British attempts to restrict American trade and rampant American expansionism; these tensions culminating in the War of 1812 (Stagg 1981). The Treaty of Ghent which ended the war allowed the American government to maintain its tenuous hold in the Northwest; a hold further strengthened by continuing negotiations with Britain after the war. "The convention resulting from these negotiations fixed a boundary from

Lake of the Woods (now on the Minnesota/Ontario border) along the 49th parallel to the Rockies, granted joint occupancy of the Oregon Territory for ten years, but left questions of title in the region in abeyance" (Clayton 2000:201). Spanish claims above the 42nd parallel were ceded to the United States in 1819, and Russian claims below Alaska were limited by treaty with the United States in 1824, leaving the British and the Americans to wrestle over the rights to colonize Puget Sound ʔaciɬtalbixʷ/First Peoples' homelands (Clayton 2000:205).

The British North West Company, which was administering the former Fort Astoria, now Fort George, was merged with the HBC in 1821, after which time Britain began to attempt to increase its influence in the region. Boundary negotiations with the United States stalled, and the HBC, under British direction, began the establishment of a series of trading posts throughout the region. In 1825, Fort Vancouver was established as the HBC headquarters for the Columbia District. Fort Langley, along the Fraser River in present-day British Columbia, was founded in 1827. It became apparent that a "halfway house" was needed between the two establishments, and in November of 1832, the HBC's John McLoughlin directed Archibald McDonald "to examine the soil of the portege [sic] to Puget's Sound, and the open country along the offshores of the ocean, along the shores of the sound. The first object is to observe if the soil is suitable for cultivation and the raising of cattle: the next, the convenience the situation affords for shipping & the means the place affords for feeding the people" (Welch 1989a:2.51). The site that McDonald chose as ideal for the HBC operation was nestled in the middle of the sčəgʷaliču/Sequalitchew village ancestral landscape, near the longhouses of the sqʷaliʔabs/Nisqually peoples living on the south side of sčəgʷaliču/Sequalitchew Creek.

By 1834, a number of buildings had been built at "Fort Nisqually," fields had been plowed, and at least two roads had been graded, thus beginning the Settler colonial

transformation of sčəgʷaliču/Sequalitchew. The sqʷaliʔabs/Nisqually people of sčəgʷaliču/Sequalitchew, "seemed so accommodating that the traders did not hurry to fortify their structures" (Harmon 1998:24). In fact, sqʷaliʔabs/Nisqually, Coast Salish ʔaciɬtalbixʷ/First Peoples, and other Indigenous peoples throughout the region were very interested in trading with the newcomers. Not long after Fort Nisqually began operations, "seemingly friendly Indians were streaming in from all corners of the region. On many days the waterfront bustled with activity so benign that [HBC Chief Factor William Fraser] Tolmie compared it to a country fair" (Harmon 1998:25-26). Far from seeing the arrival of these King George men as a threat to their existence, for the Indigenous peoples who came to trade:

> economic activity created, symbolized, and followed from particular social relations. Acquiring precious items was desirable primarily because the items represented desirable personal relationships and afforded the means to establish more such relationships. To [the] indigenous people[s of Puget Sound], social ties were the real indicators of a person's worth. Commerce with King George men was an exciting avenue to prestige in local societies. Prestige followed from the ability to acquire property but also from ritually redistributing rather than accumulating property. The valuables people obtained in barter attested to their powers, especially if they had traveled and taken significant risks to make the exchanges. When they subsequently sponsored ceremonies where they gave away their acquisitions, native traders also earned coveted reputations for generosity and nobility. In addition, the fact that wealthy, apparently powerful foreigners wanted to associate with them enhanced their social standing [Harmon 1998:27].

While the processes of trade themselves were largely benign, transformations to the ancestral system of status and hereditary rights they engendered began to manifest through the enrichment of people not necessarily descended from noble lineages who carried the attendant hereditary rights, skills, or relationship with powers.

Additionally, the introduction of previously unknown diseases also contributed to the initial destabilization of local communities (Harmon 1998; Kluger 2011). Numerous diseases including tuberculosis, malaria, and influenza ravaged the peoples of the south Puget Sound and

Pacific Coast during the earliest decades of invasion and settlement, claiming countless thousands of lives (Kluger 2011).

> As was true among all the tribes, European diseases cut a broad swath. Epidemics struck soon after the creation of Fort Nisqually. While wars and random violence would kill off some of the Nisqually, smallpox, measles, ague, and tuberculosis played far the greater role in the precipitous drop in Nisqually tribal population from about 2,000 in 1800 to fewer than 700 by the 1880s [Wilkinson 2000:9].

Transformations were also wrought through the introduction of Christian proselytizing: Catholics had begun missionizing in the area in 1838, and in 1839, a Methodist Episcopal Mission was built on the north side of sčəgʷaliču/Sequalitchew Creek (Moura 1991). This was an American institution, but the HBC "allowed" the construction of the mission within the sčəgʷaliču/Sequalitchew ancestral landscape of the sqʷaliʔabs/Nisqually. Abandoned after just three years, the mission building was subsequently burned by unspecified Indigenous peoples (Welch 1989a).

King George men weren't the only newcomers brought by the HBC to the sqʷaliʔabs/Nisqually homelands. A number of Indigenous men and women were employed by and/or lived at the HBC posts in present-day Washington State. A number of my own people—descendants of those who had been chased out of our villages in the Mohawk Valley northward into Canada because of George Washington's scorched earth campaign—came westward with the HBC as trappers, traders, and laborers. The remains of a number of my ancestral relations still rest here today (Thomas and Freidenberg 1998). One Kanien'keha:ka/Mohawk man married the sqʷaliʔabs/Nisqually ancestor of Elder Ken Ross, who gleefully informed me that "Louis the Iroquois," as his ancestor was known to him, was in fact a man of my own people, "the ones who live next to Albany" (Ken Ross, personal communication 2009). Joining local Indigenous peoples and Indigenous peoples from across Turtle Island working and living in these multi-

ethnic fort-based communities were a number of Kānaka maoli/Native Hawaiian men who had come to the Northwest on HBC trading vessels. Many of these men had been pressed into service with the HBC in order to survive the changes being wrought to their own governance structures and subsistence economies by the ravages of Settler colonial occupation and missionization (National Park Service, Fort Vancouver National Historic Site, Vancouver National Historic Reserve [NPS/FOVA] 2009).

> When the Aliʻi, the ruling class in pre-modern Hawaiʻi, disassembled Hawaiian law in the mid-nineteenth century and embraced a Euro-American framework modeled on the law of Massachusetts, they did so to preserve national sovereignty as well as their own social privilege. Social relations were already rapidly transforming under the massive shock of epidemic disease that had killed nine of every ten native Hawaiians, the religious tutelage of Calvinist missionaries, the printing press, and the raucous economy of merchant sailors, while indigenous political hierarchies were reeling from the repeated threats of violence by American, French and British navies demanding protection for their expatriates and control over the Hawaiian throne [Milner and Goldberg-Hiller 2008:225-226].

One of the young Kānaka maoli/Native Hawaiian men who left the islands during this time was John Kalama, who was born around 1811 in Kula, Maui and traveled to the Northwest on a HBC trading vessel around 1830 (Kalama Chamber of Commerce n.d.). In his early years in the Pacific Northwest, John Kalama lived and worked at Fort Vancouver, and founded the town of Kalama, Washington which bears his name to this day. John Kalama's life, discussed briefly in the next chapter, became intertwined with the lives of sqʷaliʔabs/Nisqually peoples, and with the HBC's operations in Puget Sound.

To fuel the growth of the transnational HBC empire, and in recognition of the fact that the fur trade was becoming unsustainable, Chief Factor John McLoughlin "advocated rearing cattle and growing produce on a large scale to open up an export trade, with the Russian-American Fur Company in Alaska, the Sandwich Islands, England and other European countries" (Welch 1989a:2.53). In 1838, the Hudson's Bay Committee in London formed a

subsidiary joint-stock company—the Puget's Sound Agricultural Company [PSAC]—to handle HBC's agricultural enterprises, and to keep them separate from the fur trade (Troxel 1950). Cowlitz Farm was established that same year and placed under the supervision of the PSAC and in 1840, "the agricultural holdings of the Hudson's Bay Company at Fort Nisqually were placed under the new company" (Welch 1989a:2.53).

> Agriculture not only supports the other sectors. It is inherently sedentary and, therefore, permanent. In contrast to extractive industries, which rely on what just happens to be there, agriculture is a rational means/end calculus that is geared to vouchsafing its own reproduction, generating capital that projects into a future where it repeats itself […] In settler colonial terms, this enables a population to be expanded by continuing immigration at the expense of native lands and livelihoods [Milner and Goldberg-Hiller 2008:225-226].

It wasn't only Settlers who were drawn to the PSAC operation. The young fort and farm attracted a sizeable Indigenous population who came to trade or to obtain seasonal wage work in agricultural and pastoral positions. "As many as from twenty to three hundred Indians camped on the north side of sčəgʷaliču/Sequalitchew Creek opposite the entrance to the fort known as the 'water gate'" (Welch 1989a:2.57). Most of the fort's operations, with the exception of one structure at the beach, oxen roads, and outlying stock stations, were limited to an area on the south side of the creek (Welch 1989a). Britain's relationships with Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples centered largely on trade and seasonal employment. Because of autochthonous teachings regarding the possibility of achieving and maintaining a high status through the amassing and giving away of wealth, "the prospect of advantageous trade gave native people and Britons alike such a strong incentive for peaceful relations that they devoted considerable effort to averting conflict" (Harmon 1998:24). The Americans, however, would prove to be less than solicitous when it came to "conflict resolution" with Indigenous peoples.

As Britain was busy building largely amicable and profitable relationships with ʔaciɬtalbix$^{w}$/First Peoples in the Northwest, the United States was busy formulating justifications for the political, economic, and cultural subordination of Indigenous peoples nationwide and the usurpation of our territories—justifications that would, in time, be deployed to "rationalize" the theft of sq$^{w}$aliʔabs/Nisqually homelands. In 1823, the Supreme Court of the United States considered for the first time the validity of Indigenous land transfers made prior to the American Revolution (Getches et al. 1998). "The Supreme Court's unanimous decision in *Johnson v. McIntosh*, written by Marshall in 1823, is, without question, the most important Indian rights opinion ever issued by any court of law in the United States" (Williams 2005:49). While no Indigenous peoples participated in the case, its effects on our lives are still unfolding to this day. In rendering his decision in *Johnson v. McIntosh* (21 U.S. (8 Wheat.) 543, 5 L.Ed. 681 (1823)), Chief Justice John Marshall found that in the treaty between Britain and the United States which ended the Revolutionary War, Britain had passed on its rights to extinguish Indian title to the federal government of the United States, and that land transactions with Indigenous peoples outside of the purview of federal control were invalid.

Marshall found that the "Doctrine of Discovery" so long ago articulated by Spanish and British canon law scholars, "gave an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest" (*Johnson v. McIntosh* [1823]). Marshall asserted that the "discovery" of North America by Christian Europeans:

> offered an ample field to the ambition and enterprise of all; and the character and religion of its inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim and ascendancy […] [T]he tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country, was to leave the country a wilderness; to govern them as a distinct people, was impossible, because they were as brave and as high spirited as they were fierce, and were

> ready to repel by arms every attempt on their independence [*Johnson v. McIntosh* 21 U.S. (8 Wheat.) 543 (1823)].

Marshall employs the language of Indian savagery—the cultural violence of white supremacy and Indigenous racial inferiority—to judicially render us as warlike 'savages.' In regard to relations between the colonizers and the colonized, Marshall asserts that:

> the rights of the original inhabitants were, in no instance, entirely disregarded; but were necessarily, to a considerable extent, impaired. They were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion; but their rights to complete sovereignty, as independent nations, were necessarily diminished, and the power to dispose of the soil at their own will, to whomsoever they please, was denied from the original fundamental principle, that discovery gave exclusive title to those who made it [*Johnson v. McIntosh* 21 U.S. (8 Wheat.) 543 (1823)].

Characterizing Indigenous land tenure as consisting solely of a right of occupancy, and finding that the United States had inherited Britain's rights under discovery to extinguish that right, Marshall gives the cultural violence of white racial hegemony *structure* through the formalization of the Doctrine of Discovery as an inherent part of federal Indian law. "In contrast to the form of property right that the doctrine made available to Europeans, Indian occupancy was detachable from title. Fee simple in the United States, as in other settler colonies, remains traceable to a grant from a European (or Euroamerican) sovereign. Property starts where Indianness stops" (Wolfe 2011:15).

In *Johnson*, Marshall also begins to formalize what has become known as the Marshall Model of Indian Rights.

> First is the overarching principle of European racial and cultural superiority over the Indians of the New World. Because of their savage "character and religion," Indians were regarded as inferior peoples with lesser rights to land and territorial sovereignty under the European Law of Nations. They therefore could be lawfully conquered and colonized by any European-derived nation that desired to undertake the effort. Second, the Doctrine of Discovery functioned under the European Law of Nations as part of a transnational legal discourse […] for regulating he claims of European racial superiority over the Indian tribes of the New World […] A third distinctive element of the Marshall Model of Indian

> Rights also can be seen at work throughout the text of *Johnson*. Marshall uses the same stereotypes and imagery of Indian savagery to validate the denial of Indian rights in *Johnson* that the Founders had used to construct their exclusionary Indian policy paradigm after the Revolutionary War [Williams 2005:51-52].

These stereotypes and imagery, echoing Washington's comments about Indigenous peoples being like "Wild Beasts of the Forest," and "wolves," pervade court decisions pertaining to Indigenous rights issued over the ensuing centuries up through the present day. Additionally, arising from *Johnson* and perpetuated in an endless body of jurisprudence, is the notion that because "discovery" had been "indispensable to that system under which the country has been settled," the Supreme Court, as a product of that same system, is powerless to resist the force of the doctrine in interpreting the rights of Native peoples under federal law:

> However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained; if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it becomes the law of the land and cannot be questioned […] However this restriction may be opposed to natural right, and to the usages of civilized nations, yet, if it be *indispensable to that system under which the country had been settled*, and be adapted to the actual conditions of the two people, it may, perhaps, be supported by reason and *cannot be rejected* by Courts of justice. [*Johnson v. McIntosh* 21 U.S. (8 Wheat.) 543 (1823); emphasis added].

Marshall reasoned that the Court was obligated to employ the Doctrine of Discovery and the principles of white racial hegemony over Indigenous peoples, because to call the doctrine into question would be to call the *entire American Settler colonial system* into question. And that he was unwilling to do.

The Doctrine of Discovery, given legal force in United States law through Marshall's 1823 decision, is the foundation of all subsequent jurisprudence and legislation related to the rights of Indigenous peoples within what is now the United States. Marshall built on the racist principles of his decision in *Johnson* when he adjudicated *Cherokee Nation v. Georgia* (30 U.S. (5 Pet.) 1, 8 L.Ed. 25 (1831)), and *Worcester v. Georgia* (31 U.S. (6 Pet.) 515, 8 L.Ed. 483

(1832)), both of which "were issued by the Marshall Court in direct response to the Cherokee Nation's efforts to prevent the state of Georgia from extinguishing the tribe as a distinct, self-governing society within its borders" (Williams 2005:56). In 1830, President Andrew Jackson, a fierce advocate of states' rights, signed the Indian Removal Act into law, which authorized the President to grant "unsettled" lands west of the Mississippi River to Indian Tribes in exchange for their lands within demarcated states (Getches et al. 1998). In *Cherokee Nation*, the Cherokee sought to restrain the State of Georgia from forcibly enacting state laws within sovereign Cherokee territory. The Nation argued that Article III of the United States Constitution gave the Supreme Court jurisdiction over suits arising between "foreign states" and "states" of the American polity. Justice Marshall dismissed the case, finding that the Court had no jurisdiction. In delivering his opinion, Marshall again enshrined Indigenous Nations and peoples as racially, culturally, and politically inferior:

> Though the Indians are acknowledged to have an unquestionable, and, heretofore, unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our government; yet it may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated *domestic dependent nations*. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian [*Cherokee Nation v. Georgia* 30 U.S. (5 Pet.) 1, 8 L.Ed. 25 (1831); emphasis added].

The Doctrine of Discovery, and the notions of inherent racial inferiority upon which it is premised, are mobilized by Marshall in *Cherokee Nation* in rendering Indigenous peoples as incompetent to manage our own affairs. In labeling us as domestic dependent nations, Justice Marshall unilaterally judicially impaired the inherent rights of Indigenous peoples to complete self-determination. "In 1831, then, with treaties based on the concept of domestic dependent

nationhood, the shift from international relations to internal administration was firmly established" (Wolfe 2011:16).

The doctrine and its concomitant white racial hegemony came to be further refined by Marshall in *Worcester v. Georgia* (1832). The Supreme Court in *Worcester* was required "to address for the first time the important legal question of whether it was the federal government or an individual state that exercised the superior rights of sovereignty and jurisdiction recognized under the Doctrine of Discovery" (Williams 2005:61). Marshall opened his decision with the same language of Indian savagery which characterizes all of his decisions, and countless subsequent court decisions which depend on the Marshall Model: "After lying concealed for a series of ages, the enterprise of Europe, guided by nautical science, conducted some of her adventurous sons into this western world. They found it in possession of a people who had made small progress in agriculture or manufactures, and whose general employment was war, hunting, and fishing" (*Worcester v. Georgia* 31 U.S. (6 Pet.) 515, 8 L.Ed. 483 (1832)). Marshall went on to confirm his holdings in previous cases, repeating the dictum that under the European Law of Nations, the discovery doctrine conferred "an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest" (*Worcester v. Georgia* 31 U.S. (6 Pet.) 515, 8 L.Ed. 483 (1832)). What the doctrine did not do, according to Marshall's decision in *Worcester*, was enable the discovering nation to interfere with the rights of self-government that Indigenous Nations and peoples possess. From this perspective, *Worcester* is regarded as a landmark victory for Indigenous rights in America. The problem with *Worcester*, however, is that "it embraces and perpetuates a racist language of Indian savagery to rationalize the recognition of these retained rights of a limited form of tribal sovereignty under the Doctrine of Discovery" (Williams 2005:67).

Taken together, the cases of the Marshall Trilogy perpetuate the language and assumptions of Indigenous savagery and inferiority, and white racial superiority, and give them the structural force of law within federal Indian jurisprudence, clearly illustrating Wolfe's assertion that invasion is indeed a structure. "The European Law of Nations' Doctrine of Discovery and the system of colonial governmentality[64] perpetuated under it reflect the distilled legal experience of more than two centuries of racial warfare and ethnic cleansing campaigns brought by Europeans against the Indian tribes of America" (Williams 2005:53-54). From these earliest judicial declarations of Euro-American racial, cultural, and political superiority to, and the unilaterally diminished legal status of, Indigenous peoples under federal law arise countless cases and endless legislation which rely on the racist foundations of the Doctrine of Discovery and notions of inherent Indigenous inferiority. The articulation of a "guardian-ward" relationship between the United States and Tribal Nations articulated in *Cherokee Nation* serves as the basis for both the trust doctrine and the plenary power doctrine, developed in subsequent jurisprudence and becoming the rationale for endless legislation pertaining to Indigenous peoples.

The trust doctrine, under the Marshall Model, "is supposed to function as a primary protective principle of Indian rights under U.S. law" (Williams 2005:59). Undeniably paternalistic in its intent and effects, the trust doctrine, premised upon the responsibilities of a guardian to their ward, is nowhere near as damaging to the autonomy of Indigenous Nations as the doctrine of plenary power, discussed in greater detail in the next chapter. "This notorious doctrine effectively immunized Congress' legalized racial dictatorship over tribes from any form of meaningful judicial review" (Williams 2005:70). With the development of these doctrines and the jurisprudence and legislation which rely upon them, we see the "jurispathic triumph of

[64] While I am uncertain how Williams defines the term, I assume that he draws from French philosopher Michel Foucault proposed to describe the means by which "the sovereign state and the modern autonomous individual co-determine each other's emergence" (Lemke 2000:2-3).

the Marshall Model of Indian Rights over any competing indigenous legal tradition of unconstrained inherent tribal sovereignty" (Williams 2005:77-78). Another problem with the Marshall Model and the cases from which it is derived is that they did nothing to stop the dispossession of Georgia's Indigenous peoples, as the state simply refused to comply with the decision in *Worcester*. This was the precursor to the federal policy of removal—the direct violence of dispossession, normalized by the cultural violence of white hegemony, and legitimated and operationalized within the structures of racist laws and policies—which would continue throughout the nineteenth century (Parea et al. 2000).

Not satisfied with the dispossession of countless Tribes in the East and Southeast, America's ceaseless hunger for land and resources soon spurred the federal government to commission the United States Exploring Expedition, led by Charles Wilkes, to map outlying Indigenous territories of interest to the United States. From 1838 through April of 1841, the expedition mapped the homelands of Indigenous peoples throughout the South Pacific Ocean. On April 28, 1841, the Expedition reached the mouth of the Columbia River:

> Like the English explorers who had done the same thing almost fifty years earlier, the Americans came at the behest of their country's governors to see whether the Pacific Northwest offered desired opportunities. But the visions that inspired American leaders in 1841 differed from the visions that had attracted outsiders to the region since the Britons found it. Rather than lucrative trade and coexistence with native people, Wilkes' sponsors foresaw displacement of those people; for the United States was a nation that had limited citizenship to "whites" and defined itself largely in opposition to "Indians" [Harmon 1998:43].

A description of the Coast Salish ʔaciɬtalbix$^{w}$/First Peoples living along the Straits of Juan de Fuca and throughout the Puget Sound as divergent from the norms of Euro-American society and, indeed, as members of a savage and inferior race, is provided in Wilkes' own words: "This morning a canoe came along side and few can imagine the degradation of these poor creatures…they pretend to no decency in their clothing if a blanket alone may be entitled to this

name…They are for the most part under stature, dirty squalid and devoid of all pretensions to beauty smeared head to foot with a red pigment" (Wilkes quoted in Meany 1925:56). Wilkes had brought with him the language of Indian savagery that permeated federal jurisprudence and Congressional debates over Indian policy.

Wilkes wasn't the only person recording his observations of ʔaciɬtalbixʷ/First Peoples. Horatio Hale, a philologist who had conducted ethnographic research on behalf of the Expedition, drafted his report, *Ethnography and Philology,* on this voyage. His descriptions of local peoples are vivid and unabashedly racist:

> The people […] are among the ugliest of their race. They are below the middle size, with squat, clumsy forms, very broad faces, low foreheads, lank black hair, wide mouths, and a course rough skin, of a tanned, or dingy copper complexion […] The intellectual and moral characteristics of these natives are not more pleasing than the physical. They are of moderate intelligence, coarse and dirty in their habits, indolent, deceitful, and passionate. They are rather superstitious than religious, are greatly addicted to gambling, and grossly libidinous [Hale 1846:198].

This report "must be regarded as one of the major anthropological field excursions of the nineteenth century […] [It] represents the climax of the 'ethnological' phase of America's anthropological history" (Gruber 1967:9). This publication would later provide many of the foundations of American anthropology, as typified by the works of Franz Boas and his followers, creating a direct genealogy to the subsequent ethnographic documentation of the lives of sqʷaliʔabs/Nisqually peoples in the 1930s. Anthropological studies and publications such as Hale's are also foundational to the formulation of America's federal Indian policy, and to this day anthropologists continue to be called on today to provide testimony during litigation and in other legal and legislative fora pertaining to Indigenous peoples in the United States.

Wilkes, Hale, and others on the voyage cast the same keen eyes on the lucrative economic possibilities of the region that Vancouver and his men had written about in their

accounts of Puget Sound. Wilkes' journals are replete with observations regarding the robust nature of British trade with local Indigenous peoples, the productivity of the HBC establishments at Fort Nisqually and Cowlitz Farm, the availability of high quality timber, welcoming harbors, and visible mineral resources (Wilkes 1844). Wilkes and his men, with the "permission" of HBC personnel, also constructed an observatory and a storage shed atop the bluff at the mouth of sčəgʷaliču/Sequalitchew Creek in order to take soundings of Nisqually Reach and other nearby waterways, and to house a chronometer, sextant, prismatic compass on the bluff (Welch 1989a). The Wilkes Expedition, and the reports generated by its crew of scientists and geographers, fueled an influx of American settlers to the Oregon Territory throughout the early 1840s, ostensibly strengthening American claims to the region under provisions of the joint occupancy agreements with Britain (Harmon 1998). With the passage of the 1841 Preemption Act (5 Stat. 453), Americans began flooding westward making claims on both "ceded" and unceded Indigenous territories across the continent, fueled by the notion of "Manifest Destiny."

While ideas regarding the American nation being favored by "Divine Providence" can be traced back to the Puritan colonists, it wasn't until the 1840s that the term Manifest Destiny came to be used, embracing and expressing the genocidal hopes and aspirations of a generation. In providing commentary on the annexation of occupied Indigenous territories in the south which became the state of Texas, Democratic politician and publicist John L. O'Sullivan first used the term in his column in the *Democratic Review* (Horsman 1981). It is O'Sullivan's second use of the term from which it derived its wide popularity and usage, even coming to be used within the United States Congress. In December of 1845, when O'Sullivan was editorializing about the 'Oregon question,' he "maintained that although America's legal title to Oregon was perfect, its better claim was 'by the right of our manifest destiny to overspread and to possess the whole of

the continent which Providence has given us for the development of the great experiment of liberty and federated self-government entrusted to us'" (Horsman 1981:220). This notion of Manifest Destiny emboldened American occupiers to seize Indigenous homelands in what was to become the Oregon Territory.

Americans who had settled in lands in that were to become the Oregon Territory had organized a provisional government prior to Congressional declaration of those lands as a part of the United States. "Such was the American recourse for self-protection from the commercial and capitalistic power of the Hudson's Bay Company, the prospect of British sovereignty and the dangers of poverty, remoteness and savagery on this far west shore. The provisional government was a product of the rivalry between the Americans and British" (Scott 1929:208). In 1843, that provisional government, through the Organic Act under which it was organized, vested in itself the power to grant ownership rights to Settlers who staked out land claims, despite the fact that neither the territorial nor federal governments had secured title to those lands from Indigenous Nations and peoples as was required by federal law and the operation of the principles articulated in the Marshall Trilogy (Scott 1929).

Boundary disputes between Britain and the United States which had commenced with Robert Gray's "discovery" of the Columbia River soon neared the boiling point, owing to the depredations of American intruders. Rather than going to war with the British, as the United States had just declared war on Mexico, the American government agreed to a compromise boundary (Clayton 2000). The Treaty of 1846 extinguished the vast majority of British claims from the Columbia River to the current northern boundary of the state of Washington, hampering the maintenance and perpetuation of extended family and intervillage ties among Coast Salish ʔaciɬtalbix$^{w}$/First Peoples through the imposition of a newly-constructed line of demarcation: the

American-Canadian international border. Among the claims that were *not* extinguished by the Treaty of 1846 were those of the PSAC. Articles III and IV of the treaty state that:

> [Article III] In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.
>
> [Article IV] The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said government, at a proper valuation, to be agreed upon between the parties [9 Stat. 869].

The sqʷaliʔabs/Nisqually village of sčəgʷaliču/Sequalitchew and its surrounding land and waterscapes over which the PSAC claimed hegemony were recognized and confirmed as "property" over which the British had maintained their exclusive rights under the Doctrine of Discovery to occupy and settle, subject only to the alienation of occupancy and usufruct rights held by Indigenous peoples. While British rights to the lands and waters of sčəgʷaliču/Sequalitchew as recognized by the United States were confirmed in the Oregon Treaty, the treaty did nothing to stop the influx of American invaders who began to lay claim to lands held under the colonial control of the HBC. The Americans were similarly undeterred by the fact that these were the unceded homelands of the sqʷaliʔabs/Nisqually peoples. They were imbued in, and embraced, the cultural violence of white supremacy, they enacted the direct violence of forced dispossession, and they waited for the structure to catch up with them.

**Part II: The Capsizing**

Interactions with King George men and other peoples brought to the region by the HBC undoubtedly wrought changes to sqʷaliʔabs/Nisqually lifeways and social structures. A good number of these intercultural interactions with the British, Indigenous peoples, and various

Europeans in the employ of the HBC were beneficial to all parties. It was largely the Americans, who came to the territories of ʔaciɬtalbixʷ/First Peoples riding the wave of Euro-American cultural racism and structural violence, who made the capsizing complete:

> Rather than something separate from or running counter to the colonial state, the murderous activities of the frontier rabble constitute its principal means of expansion. These have occurred "behind the screen of the frontier, in the wake of which, once the dust has settled, the irregular acts that took place have been regularized and the boundaries of White settlement extended. Characteristically, officials express regret at the lawlessness of this process while resigning themselves to its inevitability" [Wolfe 2006:392].

In 1845, prior to the Treaty of Oregon discussed in the previous section, a group of Americans established a town which they named Newmarket (later Tumwater), just south of Fort Nisqually within unceded sqʷaliʔabs/Nisqually ancestral territories. The Americans immediately began stealing sqʷaliʔabs/Nisqually timber and trading it to the HBC post for supplies (Hunt and Kaylor 1917). By 1847, there were approximately 275 Americans, Britons, and other newcomers living within unceded ʔaciɬtalbixʷ/First Peoples' territories throughout the Puget Sound (Lange 2003).

That same year, a series of infectious disease outbreaks spurred by the immigration of over five thousand Americans overland to the Oregon Territory took the lives of half of the Cayuse peoples of the region around Walla Walla (Kluger 2011; Hunt and Kaylor 1917). Infectious disease outbreaks which claim countless Indigenous lives are traumatic events in and of themselves (Walters, Mohammed, Evans-Campbell, Beltran, Chae, and Duran 2011). Such traumas can elicit a wide range of responses in individuals, families, and communities who witness and live through events such as the horror of an epidemic, as well as their descendants (Evans-Campbell 2008). Living amongst the sick and dying Cayuse peoples was Marcus Whitman, a Congregationalist minister and physician who had constructed a mission on appropriated Cayuse territory in 1836. When so many of the Cayuse peoples lost their lives

despite Whitman's medical ministrations, tensions ignited and a number of Cayuse killed Whitman, his wife, and twelve other people, taking dozens hostage (Kluger 2011; Hunt and Kaylor 1917). The 1847 killings "sent an unmistakable message to oncoming American settlers and government officials that native people would not yield their homelands without exacting a steep price from the intruders, however well-intended their preachments" (Kluger 2011:29). While the message was clear it was disregarded, and in 1848 the Oregon Territory was officially designated, superseding the provisional government that had been established five years previously.

Soon after, Americans Thomas Glasgow and Antonio Rabbeson established illegal claims on Whidbey Island, Glasgow having married a local Indigenous woman named Julia Pat-Ke-Nim (Lange 2003). In August, a large number of ʔaciɬtalbixʷ/First Peoples of many nations arrived on the island and set up camp at Penn's Cove to undertake a communal hunt (Hunt and Kaylor 1917; Lange 2003). On the day after the hunt, the people held a meeting concerning the presence of white settlers throughout the region, to which Glasgow and Rabbeson were invited. Julia Pat-Ke-Nim translated the peoples' words into the Chinook Jargon,[65] so that the Americans could better understand (Hunt and Kaylor 1917; Lange 2003). While a sqʷaliʔabs/Nisqually Elder named Sno-ho-dum-tah expressed interest in allowing the settlement at Tumwater to remain unchallenged because of the protection that its presence offered from raids by northern Nations, a large number of ʔaciɬtalbixʷ/First Peoples made it quite evident that the American intruders were not welcome (Hunt and Kaylor 1917; Lange 2003). Glasgow and Rabbeson abandoned

[65] The Chinook Jargon is a trade language that was originally comprised of a number of Pacific Northwest Indigenous language words, with a number of European language terms being added later. Estimations of the lexicon of Chinook jargon range from 250 words (Hale 1846), to 300 (Hunt and Kaylor 1917) to approximately 500 (Gibbs 1877; Reddick and Collins 2005), to perhaps 800 (Chinook Jargon Electronic Information Highway).

their farms on Whidbey Island, but certainly did not disappear from Puget Sound ʔaciɬtalbix$^{w}$/First Peoples homelands, as will be discussed below.

In May of 1849, a party of Snoqualmie peoples came to Fort Nisqually to investigate rumors that a sq$^{w}$aliʔabs/Nisqually man named Lahalet was mistreating his Snoqualmie wife (Harmon 1998). A confrontation unfolded during which an Indigenous HBC employee accidentally shot two Americans, killing one. "Americans promptly construed the event as an Indian vendetta directed at them," and a number of settlers fled to blockhouses which had been quickly constructed for their "protection" (Harmon 1998:54). Oregon Territorial Governor Joseph Lane headed for the PSAC post at Nisqually with a number of troops but turned back for Fort Vancouver, dispatching a letter to William Tolmie advising him to inform the "hostile tribes" that the Americans were well-armed and ready to fight (Harmon 1998). Governor Lane, who was also ex-officio Superintendent of Indian Affairs for the Territory at this time, noted that the Indians of the Territory were complaining of whites in their midst, and were awaiting gifts and payments for their lands from the federal government (Annual Report of the Commissioner of Indian Affairs [ARCIA] 1850).[66] Governor Lane included in his 1849 report to the Commissioner of Indian Affairs an excerpt from a message he had delivered to the Oregon Territorial Legislature:

> Surrounded, as many of the tribes and bands now are by the whites whose arts of civilization, by destroying the resources of the Indians, doom them to poverty, want and crime; the extinguishment of their title by purchase, and locating them in a district removed from the settlements, is a measure of the most vital importance to them. Indeed, the cause of humanity calls loudly for their removal, from causes and influences so fatal to their existence. This measure is one of equal interest to our own people [ARCIA 1850:135].

[66] The Commissioner of Indian Affairs notes that he had received Governor Lane's report too late for it to be included in the 1849 Annual Report (ARCIA 1850).

We see in this memorial, overtones of the myth of the "vanishing Indian" and the earliest stirrings of the "humanitarian need" for imprisoning Indigenous peoples and forcibly assimilating us in apartheid enclaves, away from the baser influences of mainstream white society. "An alternative to either exterminating or absorbing the Natives was geographical removal – the Natives stayed Natives, only somewhere else. This alternative was less satisfactory than assimilation because it was temporary. Sooner or later, the frontier caught up with the new tribal boundaries and the process had to start all over again" (Wolfe 2011:14). Disregarding the fact that the sqʷaliʔabs/Nisqually peoples had not ceded any territory to the federal government, Americans began construction of Fort Steilacoom on the northern edge of the sčəgʷalicu/Sequalitchew ancestral landscape in August of 1849, leasing the lands from the HBC/PSAC post within whose claim the American fort was built (Hunt and Kaylor 1917). This was the beginning of the American military appropriation of sqʷaliʔabs/Nisqually ancestral lands and waters.

At around the same time as Fort Steilacoom was being built, the first federal Indian Agent for the region, J.Q. Thornton, was appointed and immediately sought the surrender of the Indigenous men who had been involved in the shooting incident at Fort Nisqually, offering bribes of HBC blankets to local peoples for their capture (Harmon 1998; Hunt and Kaylor 1917). When the Snoqualmies returned to the fort a few weeks later, six of their men were arrested and tried, with two being hanged immediately upon being pronounced guilty. Their execution was meant as a show of force to ʔaciɬtalbixʷ/First Peoples that resistance to American colonization would be met with swift and brutal retribution (Harmon 1998). The execution, and the presence of soldiers at Fort Steilacoom, further emboldened a few Americans to begin claiming lands within sqʷaliʔabs/Nisqually territories, including unceded lands that were also claimed by the

PSAC. Thomas Glasgow, one of the men who had fled and illegal claim on Whidbey Island as noted previously, was undeterred by the knowledge that he was not welcome in ʔaciɬtalbixʷ/First Peoples' homelands. Sometime before April of 1850, he became a squatter at the mouth of sčəgʷaliču/Sequalitchew Creek, building a saw mill and a cabin on property he also illegally claimed (Welch 1989a). HBC employee Edward Huggins, the last Factor at Fort Nisqually, noted that Glasgow had a reputation for being violent towards ʔaciɬtalbixʷ/First Peoples, and at the time he built his sawmill and cabin:

> A great number of Indians lived near the mouth of Sequalitchew Creek and when Glasgow got ready to erect a sawmill at its mouth he found the Indians in his way. On the land he claimed were many Indian graves. Some were placed a little way in the ground with an enclosure sufficient to keep off dogs and wolves. Others were in canoes fastened in the crotch of a tree. I am of the opinion that Glasgow disturbed some of these Indian tombs, or did not treat them with the respect that usually white people paid to them [Huggins quoted in Reese 1984b:305].

The desecration of Indigenous grave sites is both symptomatic and supportive of the ideologies of white supremacy and Indigenous dehumanization. "When [the] Other is not only dehumanized but has been successfully converted into an 'it', deprived of humanhood, the stage is set for any type of direct violence" (Galtung 1990:298). By denying Indigenous peoples our humanity, and by defiling that which we hold sacred, the desecration of the graves of our loved ones is an act of genocide; a form of direct violence both supported by, and supportive of, dispossession and colonial control.

Despite pleas for treaties, Indigenous peoples in the Pacific Northwest began to be dispossessed by Americans in earnest with the passage of the Oregon Donation Land Act on September 27, 1850. "The statute disregarded a long-standing federal policy of obtaining consent from Indian occupants before issuing titles in a new U.S. territory. As amended, it promised a patent to anyone who had already claimed land in Oregon and to additional citizens who

occupied tracts before 1855 and tilled them" (Harmon 1998:58). Calls for the removal of Indian peoples from lands claimed by whites throughout the territory increased, leading to the issuance of a memorial by the Territorial Legislature of Oregon to the U.S. Congress. Couched in terms of concern for the well-being of their Indian neighbors, the Oregon legislature called upon Congress for:

> the extinguishment of the Indian title to the soil, and their early removal from those portions of the Territory needed for settlement, and their location in some district of country where their wretched and unhappy condition may be ameliorated […] [T]he Indians are rapidly diminishing in numbers, the moral and civil interests of the white race, equally with the claims of humanity, require the removal of the former to some place where, under the fostering care of the general government, their condition might be improved [S.misdoc.5, 1851].

Subsequently, a new Indian Agent was appointed for the Territory for the first time since Thornton had left the position in 1849, but the federal government could do little to control interactions between ʔaciɬtalbix$^{w}$/First Peoples and Settler colonizers, owing to the often disparate interests of Settler individuals, and because of the depth and intricacy of relationships between Indigenous peoples and the newcomers (Harmon 1998).

In 1851, the federal government began to survey the Oregon Territory. Much as Vancouver's cartographic and written depictions of the territories and peoples of the region had created a vision of lands and peoples ripe for colonial exploitation, Government Land Office [GLO] surveyors were tasked with "the imposition of a new economic and spatial order on 'new territory', either erasing the precapitalist indigenous settlement or confining it to particular areas" (Kain and Baigent 1992:329). The cadastral mapping of Oregon Territory and the rendering of the ʔaciɬtalbix$^{w}$/First Peoples' living homelands as commodity spurred a massive wave of American immigration. In a single year, 1853, the population of the territory doubled, providing the impetus for the establishment of a separate territory north of the Columbia River (Harmon 1998). This separation of the Oregon Territory into two distinct territories was "championed as

well by the people in the upper Great Lakes region—the states of Michigan and Wisconsin and the Minnesota Territory—which foresaw Puget Sound as the logical terminus for a prospective northern transcontinental railroad line" (Kluger 2011:36). Having tried twice in the previous year to achieve their goal, American citizens north of the Columbia finally succeeded in their efforts towards recognition as citizens of a separate polity with the designation of the Washington Territory on March 2, 1853 (Kluger 2011).

The declaration of territorial status, in combination with provisions of the Donation Land Claim Act, "precipitated an influx of American settlers into the Steilacoom-Nisqually area" (Welch 1989a:2.57-2.58). One such settler was Levant F. Thompson who filed for a patent on the lands at the mouth of sčəgʷaliču/Sequalitchew Creek—the same lands upon which Thomas Glasgow had squatted and within which were numerous sqʷaliʔabs/Nisqually ancestral gravesites (Welch 1989a). Thompson, a member of the first Washington Territorial Legislature, claimed these lands before they had been ceded by the sqʷaliʔabs/Nisqually, as well as before the PSAC had been compensated for their interests in the land as stipulated by the Treaty of Oregon. The designation of Washington Territory "bolstered the courage that Americans' increase was already inspiring. Especially in the more densely settled areas, newcomers felt freer to disregard Indian sensibilities. It became more common for settlers to move into Indians' territory without permission, to insult or assault Indians, and to cheat Indians out of pay for goods and labor" (Harmon 1998:67).

The Americans quickly decided that they needed a military road to connect Fort Steilacoom with Walla Walla, and a number of Settlers stepped forward to volunteer their services and supplies as federal appropriations for the road had been approved but not disbursed (Hunt and Kaylor 1917). One of the greatest needs for construction was pack horses, which were

in short supply among the newcomers. A sqʷaliʔabs/Nisqually man named Leschi, who had a large herd of his own, "furnished them, and his brother Queimuth went along as guide. Gen. I. I. Stevens was then surveying the route for the Northern railroad to the Pacific coast and had not negotiated his Indian treaties. When Leschi learned that Baldwin was not receiving pay for the use of his own horses, the Indian refused to accept payment for the hire of his" (Hunt and Kaylor 1917:124). Leschi and Quiemuth are unlikely to have foreseen the fact that their generosity and helpfulness would help to pave the way for the ongoing genocide of Settler colonialism.

Newly appointed Territorial Governor Isaac Stevens was a driven man. In addition to accepting the appointment as Governor of Washington Territory, Stevens vied for, and received, an appointment as the director of the Northern Pacific Railway Exploration. During his journey to Washington Territory to assume the governorship, Stevens and his party surveyed one of the proposed routes for which Congress had given the War Department funds "for the construction of a federally subsidized transcontinental railroad line (Kluger 2011). Three days after his arrival in the Territory, Stevens called for elections to be held in order to fill the Territorial Legislature and to choose a delegate to the United States House of Representatives (Hunt and Kaylor 1917). Elections were held on January 30, 1854, with the legislature meeting for its first session beginning on February 27.

> While the legislators were framing laws, the people were thrown into wild excitement by the discovery of gold at Steilacoom. On April 8 A.J. Bolon reported the discovery. Dr. P. M. Muse had panned out some beautiful specimens of the yellow metal and everybody who could get away hastened to the new "diggings" on the Steilacoom beach, which for a few days, was turned into a typical gold camp, with claims staked and mining companies organized. Doctor Muse had found a pocket from which he took about $25 worth of gold. That was the end of it [Hunt and Kaylor 1917:135-136].

Except that it wasn't the end of it. The existence of gold within the Steilacoom gravels, the deposit of which spreads from Steilacoom through the sčəgʷaliču/Sequalitchew ancestral

landscape, may very well be a key factor in the enclosure and desecration of this landscape, yet its presence seems to have remained a well-hidden secret until the twenty-first century as subsequent chapters will attest. Even the presence of what was thought to be a small amount of gold spurred immediate and rapid settlement around Steilacoom. The rapid settlement of Washington Territory would eventually have to be brought into compliance with federal law regarding the alienation of Indigenous "rights of occupancy" through treaty cession. Conflicts of interest be damned, Stevens also sought, and was given, the position of Superintendent of Indian Affairs for the Territory (Harmon 1998; Kluger 2011). Apparently Stevens wanted to singlehandedly bring "civilization" to the "wilderness" of Washington Territory, and create the conditions for rapid dispossession and invasion.

In the mid-nineteenth century, federal policy regarding the dispossession of Indigenous peoples began to shift, owing to the impracticability of removal to lands not yet claimed by Americans as had been the policy up until this time. Additionally, federal policymakers began to critique removal policies which had left Indigenous peoples "too great an extent of country, to be held in common," and treaty annuities which were deemed overly generous, asserting that "these errors, far more than the want of capacity on the part of the Indian, have been the cause of the very limited success of our constant efforts to domesticate and civilize him" (Indian Commissioner Mix quoted in Getches et al. 1998:146). The Reservation Era of federal Indian policy was thus begun. "The reservation system was not the result of a conscious decision by a magnanimous or far-sighted federal government to create sanctuaries where Indian people could 'perpetuate a radically different heritage from white settlers'" (Getches et al. 1998:142). Isolating Indigenous Nations from white America, and from other Indigenous nations, under the

reservation system came to be lauded as the mid-nineteenth century's humane approach to the "Indian Problem."

> Racial and spatial ideologies coalesced to form part of the bedrock foundations of settler colonialism. They allowed and encouraged settler populations to keep colonised peoples at an arm's length at all times, though what this entailed was never consistent across the board (in some places, this inspired the segregation and re-ordering of urban spaces, and in others it led to the relegation of 'undesirables' to mission stations, reserves, townships and Bantustans). They also supported the attempts of settlers – with their other arm, we might say – to meddle with the lives of colonized peoples in a number of ways (including a whole range of civilising, Christianising and Europeanising activities, which led to the mobilisation of some communities and to the immobilisation of others, and to the relative autonomy of some and dependency of others). Space and race, therefore, made a world – or even several worlds – of difference in the settler colonial scheme of things. And they continue to do so today [Cavanagh 2011:154].

This system of Settler colonial domination was instituted in order to dispossess Indigenous peoples of our homelands as well as render us outside of the "normal" operations of the juridical order through the creation of a state of exception.

For Agamben (2003), the sovereign has unbounded power to institute a state of exception wherein certain members of society are stripped of their citizenship and its ostensible protections; reduced to a form of "bare life." One of the main difficulties in applying Agamben's theory of exception to the establishment of the reservation system is that within his formulations, Settler colonialism remains naturalized. While the state of exception has come to be almost universally viewed as a process of externalization:

> Centreing settler colonialism troubles such accounts. If critics ever feel assured that the colonial exception functions through externalisation, this may be an assumption that attends on theory having already normed 'colonialism' so as to elide settler colonialism and its ongoing naturalisation. European settler societies enact Western law – indeed, in ways often validated as exemplary of that law – by occupying and incorporating Indigenous peoples within white settler nations. The indigenisation of white settlers and settler nations thus shifts our reading of their capacity to represent the West. Rather than presuming that the West is defined by enforcing boundaries to preserve purity, we must consider that the state of exception arises in settler societies as a function of settlers' inherent *interdependence* with indigeneity [Morgensen 2011:60; emphasis in original].

Removal and the reservation system must be understood within the framework of Settler colonial structural genocide and its attendant logics of elimination which are "premised on the securing—the obtaining and the maintaining—of territory. This logic certainly requires the elimination of the owners of that territory, but not in any particular way. To this extent, it is a larger category than genocide" (Wolfe 2006:402).

The creation of reservations as zones of exclusion must therefore be understood as necessary not only to the exercise of the sovereign ban over the bare life of reservation-based populations but also to the "geopolitical project of defining the territoriality of the nation, displacing competing claims by older/other political formations as what we might call *bare habitance*" (Rifkin 2009:94; emphasis on original). Without a consideration of bare habitance, we run the risk of erasing "the politics of collectivity and occupancy: what entities will count as polities and thus be deserving of autonomy, what modes of inhabitance and land tenure will be understood as legitimate, and who will get to make such determinations and on what basis?" (Rifkin 2009:94). It is precisely these politics of collectivity and occupancy which became the target of assimilationists of sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples' post-Invasion history under Settler colonialism.

The Reservation Era reached its height during the Pierce administration (1853-1857) and is most often associated with Pierce's Commissioner of Indian Affairs George Maypenny (Richards 2005). Maypenny embraced the notion that "the alternative to being 'exterminated' was for the Indians to be 'colonized in suitable locations, and, to some extent at least, be subsisted by the government, until they can be trained to such habits of industry and thrift as will enable them to sustain themselves'" (Richards 2005:343). A series of treaties negotiated by Maypenny with Indigenous Nations west of the Missouri River in mid-1854 provided the

template for the treaties which Isaac Stevens intended to negotiate with ʔaciɬtalbix$^{w}$/First Peoples of Washington Territory. The Maypenny treaties "committed the government to a program that assigned tribes to reduced reservations with provision for allotment of land in homestead-sized portions to individuals" (Richards 2005:343). Allotting land in severalty and assigning individual tracts to Tribal members was part of an array of tactics of governmentality meant to instill in Indigenous peoples the values of property ownership, yeoman agriculture and husbandry, and capitalist accumulation that would turn them into "civilized" Americans foreshadowing, as discussed below, nationwide allotment and assimilation policies that would be enacted later in the nineteenth century. It is important to remember, however, that "the idea that there is tension between the strategies of assimilating Indians and of either removing or segregating them misses the fundamental reality that, as settler colonialism, all Indian policy is subordinate to the overriding imperative of territorial acquisition" (Wolfe 2011:32).

Isaac Stevens chose two men to assist him with treaty "negotiations": Michael T. Simmons, one of the founders of New Market (Tumwater), and George Gibbs, a lawyer-cum-ethnographer who Stevens engaged to compile data on the region's ʔaciɬtalbix$^{w}$/First Peoples (Kluger 2011). Gibbs proclaimed that the peoples of Puget Sound "have all sprung, unless an exception be allowed in the Tsemakum [sic], from the great Selish [sic] root and are usually mentioned as the Niskwalli [sic] nation. They are divided into a vast number of small bands, having little political connection, but gathered into families, allied by similarity of dialect, and by relationship" (Gibbs 1877:169). This lack of centralized leadership prompted Gibbs to advise Stevens "that Americans could unite the independent villages only by consistently helping a few men to exercise authority; in other words, by creating tribes and chiefs" (Harmon 1998:79). The creation of Tribes in the Puget Sound resulted from "the State's need to create 'legibility' for

those whose behavior it is trying to regulate. For those exercising control and surveillance, these categories must be observable, accessible, and manageable. Legal categories are one form of legibility. They parse, draw boundaries, set criteria, and dichotomize in order to simplify and thus clarify" (Milner and Goldberg-Hiller 2008:234). Michael Simmons and his assistant Frank Shaw, who because of his purported fluency in the Chinook Jargon had been appointed as translator, were sent by Stevens amongst the ʔaciɬtalbix$^{w}$/First Peoples to do manufacture these "legible" entities that are known today as Tribes (Reddick and Collins 2005).

Stevens had decided to begin his negotiations with the ʔaciɬtalbix$^{w}$/First Peoples of the South Sound, including the sq$^{w}$aliʔabs/Nisqually, the Puyallup, the Muckleshoot, the bands of Squaxin Island and a number of other peoples. The two prominent sq$^{w}$aliʔabs/Nisqually half-brothers Leschi and Quiemuth, leaders in their own right, were among those chosen by Gibbs and Stevens to be officially recognized as having the authority to alienate almost the entire sq$^{w}$aliʔabs/Nisqually landbase and for carrying out the other terms of the treaty (Kluger 2011; Hunt and Kaylor 1917). The brothers had long had interaction with both King George men and Bostons,[67] having worked for a number of years for the PSAC, and having helped a number of Settlers adjust to life in sq$^{w}$aliʔabs/Nisqually territory; Leschi, as noted above, lending his horses for the construction of a military road (Kluger 2011; Hunt and Kaylor 1917; Reddick and Collins 2005). By many accounts, from both within the sq$^{w}$aliʔabs/Nisqually Nation and from outsiders, Leschi was a generous and compassionate man comfortable in his power to deal with the newcomers. Because of his and Quiemuth's family ties to upriver villages and to the Klickitat and Yakama peoples east of the Cascades, the high regard in which they were held by they own people, and the helpfulness they exhibited to the newcomers, the brothers seemed to Gibbs to be obvious choices. "Their formal elevation at the behest of the Bostons probably struck the

[67] The term "Bostons" is a Chinook jargon term which refers to Americans.

brothers as a pointless exercise, but it suited the governor's purpose of capturing the tribe's attention and ensuring a heavy turnout at the council meeting" (Kluger 2011:76).

The Medicine Creek Treaty Council, held near sxʷdaʔdəb/Medicine Creek, commenced on December 24, 1854. "The original transcription of the Medicine Creek council minutes no longer exists and later renditions are only incomplete abstracts of the primary source," making it very difficult to recount what actually took place over those three days on the Nisqually Flats (Reddick and Collins 2005:376).[68] The absence of treaty minutes is compounded by the fact that Stevens insisted that the treaties be negotiated in the Chinook Jargon, with the government's terms being explained in English, translated into Chinook Jargon, and then into Lushootseed, and vice versa for replies by the assembled ʔaciɬtalbixʷ/First Peoples (Kluger 2011; Reddick and Collins 2005). As noted previously, the lexicon of the Chinook Jargon was quite limited; somewhere between 275 and 800 words. Stevens must surely have realized that the jargon was an imprecise vehicle through which such complex provisions pertaining to land cession, reserved rights, allotment, compensation, and annuities could not possibly be adequately explained. "There is evidence that Stevens felt his task would prove easier if the tribes were given neither the time nor the means to fully grasp what was being asked of—and done to—them" (Kluger 2011:78). The sqʷaliʔabs/Nisqually and other Tribes and bands signatory to the Treaty of Medicine Creek (10 Stat. 1132) were being asked to cede approximately 4,000 square miles of their homelands in exchange for three miniscule reservations totaling 6 square miles consisting of "the least desirable and usable land in the entire region" (Kluger 2011:85). The federal

[68] Reddick and Collins (2005) note: "Probably during the course of discussions that evening, two small rectangles were drawn on a rough tracing Stevens had made of a Charles Wilkes map of Puget Sound, indicating some new proposed sites. One rectangle with the word Nisqually was placed at Sequalitchew Creek, near the Hudson's Bay Company's Fort Nisqually. An Indian village was already on the creek, but the land was claimed by the Puget Sound Agricultural Company. That rectangle was therefore scratched out and a square was inserted instead at the intersection of the Sound and the mouth of Medicine Creek" (383-384). I will return to discussion of this map in the next chapter.

government also offered a total of $32,500 in annual payments as compensation for the land cession, and $3,250 to help pay for the costs of relocation (Hunt and Kaylor 1917). Additional provisions pertaining to the recognition of inherent rights to subsistence, the provision of free education, the allotment of reservation lands in severalty, and others shall be referred to more specifically in subsequent chapters. Additionally, Puget Sound ʔaciltalbixʷ/First Peoples' recollections of the promises made at the Medicine Creek Treaty Council, in their own words, will be discussed in detail in the next chapter, as they provide the only reliable accounting of the proceedings.

Haste and clouded translation aside, "the appalling inequity of the proposition must have been apparent" (Kluger 2011:85). Numerous ʔaciɬtalbixʷ/First Peoples' accounts of the Medicine Creek Treaty Council contain assertions that after working for a brief time on a map of sqʷaliʔabs/Nisqually homelands as had been requested by the Americans at the start of the council, Leschi walked away from his drawing. "Nearly half a century later, an elderly Benjamin [Frank] Shaw recalled: 'Leschi wanted all of Pierce County and a goodly part of King for a few Indian ponies to run on.' To Leschi thousands of acres in present-day Pierce and King counties seemed reasonable, especially since that was where the Nisqually were already living and there were few white settlers" (Reddick and Collins 2005:383). As the negotiations unfolded, ʔaciɬtalbixʷ/First Peoples' accounts, gathered by Settler Ezra Meeker, indicate that Leschi became outraged at the terms, tore up his appointment as subchief, and stormed from the treaty grounds with a number of other sqʷaliʔabs/Nisqually peoples (Hunt and Kaylor 1917; Kluger 2011; Reddick and Collins 2005). These ʔaciɬtalbixʷ/First Peoples' eyewitness accounts are further supported by a number of Settler accounts, including the secondhand account of Levant F. Thompson, who had claimed and settled the lands at the mouth of

sčəgʷaliču/Sequalitchew Creek. Thompson told Meeker that immediately after the council ended, "the Indians came to me and said that Leschi would not sign the treaty for the Nisquallies and Puyallups. They were the Indians Leschi represented. But M.T. Simmons told Leschi if he did not sign it, he would sign it for him. From what the Indians told me at the time and from what the whites told me, I am positive that Leschi never signed the treaty" (Thompson quoted in Hunt and Kaylor 1917:138).[69] Despite testimony by numerous individuals that Leschi did not sign the treaty, an 'X' appears next to his name as though he had.

Regardless of whether or not Leschi signed the treaty, he made it apparent to both the Americans and to his British friends at the PSAC that the terms of the treaty were unacceptable (Kluger 2011; Reddick and Collins 2005). The small parcel of land which had been chosen for his peoples' reservation was completely inadequate for their needs: the poor soil quality, its long distance from the river, and its lack of prairie and pasture lands for horses and livestock would make it impossible for the people to sustain themselves. These facts were confirmed when George Gibbs and Frank Shaw surveyed the chosen tracts on December 28, 1854 (Reddick and Collins 2005). Noting the extremely poor quality of the land, Gibbs:

> drew an outline of the form the reservation [which] would probably require [a] total [of] two sections and asked Stevens to bring the section plat—the public surveyor's map—from the land office and to review Gibbs's outlines before the actual survey was done. Stevens wrote back but did not go up to meet with Gibbs. A report from the governor to Maypenny dated December 30 declared the negotiations successful and included maps of the new reservations, evidently tracing Gibbs's sketch over the public survey map of the region near Medicine Creek Stevens related that there had been "disputed points" and explained that "in the first instance they desired more reserves and larger reserves." Nonetheless the outcome was satisfactory. […] The cadastral description, township, and

[69] It is more than a little interesting to me that Pulitzer Prize-winning author Richard Kluger, in his 2011 book from which I draw extensively, has a penchant of his own for rewriting history. While most of the excerpts which Kluger provides in his book contain ellipses where he has deleted segments of text, this is not the case with the testimony of Levant F. Thompson that I have provided about from Hunt and Kaylor (1917). From this same excerpt, Kluger omits the partial phrase "and from what the whites told me," yet unlike parts of the same exact excerpt where he has omitted phrases, Kluger does not provide any indication that he has removed this rather important part of Thompson's statement from the account.

> section of the Nisqually reserve selected by Shaw and Gibbs was approved by Stevens and inserted into the treaty document sometime after the council at Medicine Creek [Reddick and Collins 2005:386-388].

Shaw was sent by Stevens to meet with Leschi and other leaders a few days after the council, finding Leschi, Stahi, and other sqʷaliʔabs/Nisqually leaders extremely dissatisfied:

> I told them if anything was wrong it would be fixed by the Government. They were very much excited and accused me of deceiving them. I denied it and told them that I had told them just what the governor had said. They tried to get a new treaty. They asked me to report their dissatisfaction to the governor. I told the governor, but the treaty was sent to Washington. The governor promised to get them other reservations [Shaw quoted in Hunt and Kaylor 1917:139].

Despite the assurances that Stevens apparently gave to Shaw about selecting a new reservation for sqʷaliʔabs/Nisqually peoples, no action was immediately taken to remedy the situation.

Two weeks after the Medicine Creek Treaty Council, Stevens called for a council to negotiate the terms of the Treaty of Point Elliot. Stevens' job was to convince more than a dozen Nations to cede over 10,000 square miles of territory, from the Puyallup River north to the Canadian border, and from the crest of the Cascade Range to the Sound, in exchange for four reservations (Hunt and Kaylor 1917; Kluger 2011). The ink was hardly dry on the Treaty of Point Elliot when Stevens held the Point No Point Treaty Council, offering a single reservation in exchange for the cession of the vast majority of the tuwaduq/Skokomish, Klallam, and Chimakum homelands, and then moved quickly on to the Makah Nation to secure their "assent" to land cessions and other treaty provisions. Within six weeks, "the nervy, smooth-talking governor had dispossessed natives of 20,000 square miles without firing a shot. In return, the Indians were given nine reservations totaling about 93 square miles and promised $300,000 in hardware over the next two decades and a few vocational services" (Kluger 2011:111-112). Stevens submitted the treaties to Congress, and the Treaty of Medicine Creek was ratified on March 3, 1855. While the Treaty of Medicine Creek was the only one of the treaties that Stevens

negotiated with western Washington Tribes that was ratified that year, Stevens immediately posted an announcement in the *Pioneer and Democrat* that "proudly defined the areas ceded in all four treaties, listed the small reservation areas that were closed to occupancy by white citizens, and suggested that 'settlers may take action accordingly in locating claims' throughout the rest of the region west of the Cascades" (Kluger 2011:112; Reddick and Collins 2005). ʔaciɬtalbix$^{w}$/First Peoples named as parties to the Treaty of Medicine Creek "would be pressured to leave their homes for reservations that had been defined without their knowledge or assent and that were only temporary […] The Indians of Puget Sound had officially been swindled and were beginning to realize it" (Reddick and Collins 2005:390).

Stevens headed east in May of 1855 to conduct the Walla Walla Treaty Council with the Yakama, Nez Perce, and numerous other nations of Eastern Washington to gain their assent to the cession of approximately 47,000 square miles of their ancestral homelands (Kluger 2011). The treaties from this council were signed on June 11$^{th}$, 1855 and before they were ratified (four years before, in fact), "Stevens' treaty commissioners ran an announcement in the Washington and Oregon territorial newspapers declaring that 'the country embraced in these three cessions…is open to settlement'" (Kluger 2011:117). American settlers began to trickle into the homelands of these eastern tribal nations; the trickle becoming a flood when gold was discovered in the Colville region that summer, spurring prospectors to trespass across Yakama lands (Hunt and Kaylor 1917; Kluger 2011).

As American trespass within Puget Sound Coast Salish ʔaciɬtalbix$^{w}$/First Peoples' territories also increased, and Stevens failed to live up to the promises he had made to assign the sq$^{w}$aliʔabs/Nisqually to a reservation where they could survive, Leschi made it clear to American Settlers and HBC employees whom he trusted that he was frustrated with the Governor's

treatment of his people (Hunt and Kaylor 1917; Kluger 2011). Leschi also expressed concerns to HBC Factor William Tolmie in July of 1855 regarding his own personal safety, as he had heard rumors "that the authorities might soon arrest and even hang him as a threat to the peace and ship off his tribe and its neighbors to the dreaded land of never-ending night" (Kluger 2011:121; Harmon 1998). Sporadic violence had begun to break out throughout the Territory, with eight white trespassers being killed on their way to the Colville gold mines in the late summer of 1855. There was little outcry among the settlers over these deaths because "most whites in the region knew the risks of trespassing on land still part of Indian Country until it was formerly ceded to the U.S. government under ratified treaties" (Kluger 2011:123).

Everything changed, however, with the death of A.J. Bolon, the man who had reported the discovery of gold at Steilacoom to the first territorial legislature, and who had himself become a member of that legislature as well as a federal Indian agent (Hunt and Kaylor 1917). Soldiers were dispatched from Fort Steilacoom in late September and were scheduled to rendezvous at Naches Pass with a number of soldiers from Fort Dalles on the Columbia to avenge the killing of Bolon and the eight other trespassers. Before the troops from Fort Steilacoom could arrive, members of the Yakama Nation routed the Fort Dalles troops, capturing their cannon, and the Americans retreated in a defeat that was celebrated by Indigenous peoples throughout the region (Kluger 2011). In early October of 1855, an HBC employee reported that he had seen Leschi conducting what he presumed were military exercises on Muckleshoot Prairie. Soon thereafter, Leschi and two of his wives visited his friend James McAllister, whom Leschi had helped settle on his Donation Land Claim at sx$^{w}$daʔdəb/Medicine Creek near the site of the treaty council (Kluger 2011). According to McAllister's daughter Sarah upon later recollection, Leschi had told her father: "I will never raise a hand against you or yours, but if you

join the army, I cannot be responsible for whatever others may do, for the Indians are going to fight" (Kluger 2011:125). In an attempt to quell the panic of white settlers, on October 14, 1855 Acting Governor Mason, serving during Stevens' temporary absence from Olympia, called for the formation of two companies of volunteer militiamen who would be under territorial, rather than federal, jurisdiction (Hunt and Kaylor 1917; Kluger 2011).

Leschi, the sqʷaliʔabs/Nisqually leader who had been so kind to the newcomers who had invaded and appropriated his peoples' homelands, would soon have his Settler associates turn on him. On October 16, McAllister wrote to Mason: "from the most reliable Indians that we have in this country, we have information and are satisfied that Leschi, a sub-chief and half Clickitat [sic] is and has been doing all that he could possibly do to unite the Indians of this country to raise against the whites in a hostile manner and has had some joining with him already" (McAllister quoted in Kluger 2011:125-126). In response, and with the support of the U.S. Army, Mason called for the formation of four additional companies of volunteer militia. One of these companies was placed under the command of Charles Eaton. Leschi's daughter Kalakala lived with Eaton, and the tensions caused by Eaton's refusal to marry Leschi's daughter until after he was arrested for living and cohabitating "in a state of fornication with an Indian woman" could not have endeared Leschi to the man (Kluger 2011:66). Leschi's "friend," James McAllister, was named second in command of "Eaton's Rangers," and the new company headed east on October 22, mobilized for a state of war, to avenge the deaths of the American soldiers who had been defeated by the Yakama (Hunt and Kaylor 1917; Kluger 2011).

On that same day, upon the urging of HBC Factor Tolmie, Leschi and Quiemuth paid a visit to Mason. "Leschi reaffirmed his friendly feelings for whites in general and great reluctance to break the peace" (Kluger 2011:126). Mason urged the men to bring their families to Olympia

and live under government supervision. “Leschi, having restated his tribe’s grievance, reportedly promised, at the least, to think over Mason’s proposal […] Mason would later claim that the brothers had agreed to return with their families in a few days” (Kluger 2011:127). Two days after meeting with Leschi, Mason called on Leschi’s son-in-law, Charles Eaton, to take a detachment of his men and head to Leschi and Quiemuth’s farm on Muck Creek and bring the brothers to Olympia. When they arrived at the farm, the brothers were nowhere to be found, and Eaton decided to steal some of Leschi’s horses and bring them to Fort Steilacoom instead (Hunt and Kaylor 1917; Kluger 2011).

Leschi and Quiemuth had made camp on Connell’s Prairie, midway between the Sound to Naches Pass, on lands claimed by a man now serving in Eaton’s Rangers. Eaton’s company split in two and McAllister led a crew across the Puyallup River to an encampment, largely comprised of women and children, along the White River (Kluger 2011). McAllister assumed that Leschi headed the encampment and received Eaton’s permission to take Connell and two Indigenous guides to find Leschi. As McAllister and Connell walked the military road near Connell’s Prairie, three shots rang out, two hitting McAllister and killing him, and one killing Connell. Leschi reportedly later confessed to a man named Packwood Charlie that he “was engaged in the murder of McAllister, but Towapite [sic] shot McAllister with two balls” (Kluger 2011:133). The killings of McAllister and Connell were undoubtedly acts of war, but the next day, eight noncombatant Settlers in the White River region were killed by a number of men whom the media suggested were under Leschi’s command. Time has not revealed any “firm evidence that Leschi had joined in or approved of the mayhem at White River, but as by far the best-known native among the suddenly rampant renegades, he would thereafter be personally linked to every Indian assault against soldiers [and] white civilians” (Kluger 2011:136).

Panic swept through the scattered white settlements of Washington Territory and Mason ordered the construction of hermetic blockhouses throughout the region, to which many Settler families fled "as if all of white Washington were under siege" (Kluger 2011:135-136). In the meantime, a soldier was dispatched from Fort Steilacoom to advise troops in the mountains under the command of Captain Maurice Maloney that their reinforcements would be delayed. Maloney sent the soldier back with a party of militiamen including former Thurston County Sheriff Abram Moses, and the man who had replaced him as Sheriff—Antonio Rabbeson. Rabbeson, you will recall, along with Thomas Glasgow had abandoned an illegal claim on Whidbey Island (Hunt and Kaylor 1917). The group came upon Leschi and a group of other peoples at Connell's Prairie, and Leschi greeted them. Upon noticing that Connell's cabin had been burned, one of the militiamen, Dr. Matthew Burns, grabbed the gun of one of the younger men in the group and threatened to shoot him, thinking he was Leschi. "Rabbeson, who had known Leschi for years and purchased deer meat from him, restrained Burns and told him of his error, calming the scene" (Kluger 2011:138). The soldier and the militiamen remounted and as they traveled down the wagon road, a number of shots were fired from the woods, killing Joseph Miles and Abram Moses, whose bodies were left behind as the surviving white men fled to Fort Steilacoom. Their bodies were recovered and on November 9, their obituaries ran in the *Pioneer and Democrat* along with a letter from Rabbeson, claiming that after he and the soldiers had spoken with Leschi and his companions, they were fired upon from behind (Kluger 2011). Rabbeson did not say that Leschi was one of the shooters in this letter, but his story would change in time.

In mid-November, Indian Agent Mike Simmons called upon all Puget Sound ʔaciɬtalbix$^{w}$/First Peoples noncombatants "to assemble at preassigned points and prepare to be

relocated" (Carpenter 1996:39). Simmons promised them food, shelter, and protection, but "any Indian away from and assigned location was fair game" (Carpenter 1996:39). Six internment camps were established: at Fort Kitsap, Bellingham Bay, Penn's Cove, Squaxin Island, an unnamed southerly location, and Fox Island. Most of the sqʷaliʔabs/Nisqually internees would be placed at Squaxin Island and on Fox Island, the latter being directly across the water from Fort Steilacoom (Carpenter 1996). On November 17, 1855, local Settler John Swan became their warden. It is estimated that there were between 700 and 1,000 internees on Fox Island and, as they were not permitted to leave the island in order to hunt, fish, or gather. They were instead reported to have been provided ration tickets and Euro-American foods and coffee were doled out. There was often a shortage of clothing—much needed to "offset the miserable shelters" (Carpenter 1996:47). The thirteen month imprisonment of sqʷaliʔabs/Nisqually peoples under deplorable conditions had begun. Isolation and imprisonment are components of structural violence which "impede consciousness formation and mobilization," the latter of which is hindered through "marginalization, keeping the underdogs on the outside, combined with fragmentation, keeping the underdogs away from each other" (Galtung 1990:294). I will discuss the internment of sqʷaliaʔabs/Nisqually peoples at length in the next chapter, but must first relate the story of Leschi's betrayal.

Leschi would not leave his people to die in the internment camps. On January 5, 1856, Leschi and a group of thirty-three warriors in six canoes arrived on the shores of Fox Island in front of Swan's cabin on a diplomatic mission. Leschi informed Swan that he had no desire for war, and that he would be glad to negotiate for peace with any Indian Agent aside from Mike Simmons (Hunt and Kaylor 1917; Kluger 2011). Swan sent a messenger to Fort Steilacoom to ask Captain Erasmus Keyes if he would come speak with Leschi, or if he would send an Indian

Agent other than Simmons to negotiate, as the Governor had still not returned from Washington D.C.. Keyes decided instead to borrow a ship from the HBC at Fort Nisqually and send Captain Maloney to storm the island, realizing too late that the ship had only one row boat with which to ferry troops to shore (Kluger 2011). Swan rowed out to Maloney to ask that he come in to negotiate, but Maloney said that he had no orders to do so, so Swan rowed back. He paddled back and forth over the next 36 hours, during which time Leschi and the warriors that he brought with them slipped away (Carpenter 1996; Kluger 2011). While accounts say that a number of men, as many as forty, escaped from the island with Leschi, just how all of these people would have fit into the six canoes full of warriors that had landed on the island with Leschi is unknown (Carpenter 1996).

As the prisoners were being gathered and interned, Governor Stevens was returning was from a military encampment near Walla Walla, making his way to Puget Sound. On December 22, 1855, he had fired off a letter to Commissioner of Indian Affairs Maypenny stating that:

> 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 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 [Stevens quoted in Kluger 2011:145].

On December 28, Stevens sent a letter to General Wool, regional commander of Army forces stationed in California, berating Wool for shirking his duties and leaving the fighting to citizen militiamen. Wool replied, informing Stevens that in his opinion, militiamen tended to be violent vigilantes, and "called for all actions against the Indians to be carried out solely by regular army troops" (Kluger 2011:144). Stevens was irate when he learned of Leschi's escape two weeks prior to his return to Olympia. A few days after his arrival, Stevens addressed the Territorial Legislature, informing them that "the war shall be prosecuted until the last hostile Indian is

exterminated" (Stevens quoted in Kluger 2011:150). Despite General Wool's admonishments to leave the fighting to federal troops, Stevens issued a call for the formation of six additional territorial militia regiments. In January of 1856, warriors from a number of Tribes gathered on the shores of Lake Washington; the group being said to have included "a contingent of 100 or so Yakimas [sic] and Klickitats who had crossed the mountains under their warrior chieftains, Owhi and his son, Qualchan, Leschi's uncle and cousin, to help the western tribes take a more aggressive stance against the whites" (Kluger 2011:153). On the morning of January 26, 1856, a mission to take the Settler town of Seattle was launched, resulting in the deaths of two Settlers. Leschi was, of course, blamed for the mobilization.

Leschi again attempted to negotiate for peace one week later, visiting former HBC employee John McCloud, who had recently become an American citizen. Leschi asked McCloud to deliver a message to Lieutenant Colonial Silas Casey, who had recently taken command of Fort Steilacoom. In his message, Leschi railed against Stevens, accusing him of deception, and asked Casey to send John Swan, who had just retired from his post at the Fox Island internment camp, to visit the warriors' encampment between the White and Green Rivers to "observe his people's condition and to hear them express firsthand their desire to coexist amicably with the whites" (Kluger 2011:158). Swan visited the camp and reported to Casey that the people were living under bleak conditions and that Leschi was anxious for peace. Governor Stevens would have none of it and wrote to Maypenny on March 9, informing the Commissioner that the citizens of Washington Territory needed to 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 unconditionally to surrender and their leaders to be made to suffer death, the Indians shall be dealt with in a spirit of humanity and kindness"

(Stevens quoted in Kluger 2011:160). The distortion of reality in Stevens' letter to Maypenny—the slaughtering of countless innocents and the laying waste of two counties—is an example of "the most common explanatory sleight-of-hand relied upon by the architects of structural violence. Erasure or distortion of history is part of the process of desocialization necessary for the emergence of hegemonic accounts of what happened and why" (Farmer 2001:308). As will be shown, Stevens used the tactic of distortion time and time again to justify acts of genocide and the assertion of Settler colonial control over sqʷaliʔabs/Nisqually peoples.

Stevens did not only seek to control sqʷaliʔabs/Nisqually peoples. He had John McCloud and 12 Settler families living along Muck Creek taken into custody and held indefinitely, eventually charging five of the farmers with treason for rendering aid to Leschi and other ʔaciɬtalbixʷ/First Peoples, and ordering that the Settlers be tried under a five man military tribunal chosen by Stevens himself (Hunt and Kaylor 1917; Kluger 2011). The attorneys for the "Muck Creek Five" were able to secure a writ of *habeus corpus* from Judge Francis Chenoweth on April 3, 1856, despite the fact that the civil courts were not then in session. Before the prisoners could be freed, however, Stevens declared martial law in Pierce County, "suspending the functions of all civil government, including the courts" (Kluger 2011:168; Hunt and Kaylor 1917). Chenoweth denounced Stevens' actions, but he reportedly fell ill and the prisoners remained in custody until early May when the courts came back into session.

In the meanwhile, Lieutenant Colonel Casey again advised Stevens in early March to call off the territorial militia. Stevens instead wrote to Secretary of War Davis expounding on the necessity of the volunteer militia to keep fighting in order to keep the Territory safe, and petitioned for the removal of General Wool from his Army command (Kluger 2011). Stevens then issued orders to his unit commanders, informing them that "All Indians found in your field

of operations…are to be considered enemies" (Stevens quoted in Kluger 2011:165). One of the Governor's militia units, the Washington Mounted Rifles, under the command of Hamilton Maxon, was dispatched in early April "to answer a complaint that Indians along the upper Nisqually River had been stealing horses and cattle from white farms" (Kluger 2011:165). Maxon's troops found small encampment of sqʷaliʔabs/Nisqually on Ohop Creek and killed everyone present (Carpenter 1996). Maxon then led his troops on to the Mashel River, close to the village of Leschi's birth, where they found an encampment of elders, women, and children. Maxon and his men ruthlessly slaughtered dozens of sqʷaliʔabs/Nisqually people (Carpenter 1996; Kluger 2011). Maxon was promoted for this act of genocide.

When the territorial courts reopened in May, Judge Chenoweth purportedly remained ill, and the case was presided over by Judge Edward Lander (Hunt and Kaylor 1917). Prior to the beginning of the court session, "Stevens sent Frank Shaw, by then a colonel in the militia, to ask the territory's ranking judge to delay the start of his court's term so that the governor's declaration of martial law could not be challenged" (Kluger 2011:169). Lander responded by issuing orders to "every able-bodied male over sixteen in the county to attend court the next day and function as a *posse comitatus* to protect the integrity of civil law" (Kluger 2011:170). As the confrontation intensified, Lander realized that Shaw would not back down, and he capitulated and was taken into custody (Hunt and Kaylor 1917). Lander was released after a few days and traveled to Olympia to preside over the opening of the Thurston County courts. He issued a bench warrant summoning the Governor to explain why Judge Chenoweth's writ had been ignored, leaving the Muck Creek Five imprisoned (Hunt and Kaylor 1917; Kluger 2011).

The federal marshal delivering Stevens' summons found the governor's office door blocked by a dozen of the governor's closest allies, including Antonio Rabbeson (Kluger 2011).

A fistfight broke out in the governor's office, and the summons went unserved. Stevens then sent the militia to take Judge Lander into custody, sticking him in a cell alongside the Muck Creek Five. Judge Chenoweth returned to the bench and, in defiance of the martial law decree, issued another writ of *habaeus corpus* for the Muck Creek Five (Kluger 2011). In response, Stevens ordered the newly promoted Maxon and his militia unit to arrest Judge Chenoweth if the judge reopened court on May 24. There was a tense standoff and, becoming aware that his behavior had started to become a national scandal, Stevens finally rescinded the martial law order on May 28, 1856 (Kluger 2011). Judge Lander subsequently "convicted Governor Stevens of contempt of court and fined him a token $50. Whereupon Stevens gave himself an executive pardon and 'friends paid the fine'" (Cook 2000-2001:19; Hunt and Kaylor 1917).

In late March members of a number of Indigenous Nations of Eastern Washington had taken the lives of a number of Settlers along the Columbia River, in response to which a large military contingent was sent into the Yakima and Walla Walla valleys. After a few of the Indigenous participants were captured and hanged, Colonel George Wright won pledges of peace from the Yakama peoples and their allies in return for his promise to "discourage—if not forbid—white settlement in the region east of the mountains and north of the Columbia River so long as the Walla Walla treaties remained unratified" (Kluger 2011:176). In early June, Leschi bravely approached Wright at Naches Pass "decidedly for peace" and "perfectly willing to go where I say" (Wright quoted in Kluger 2011:188). Wright urged Leschi to stay in hiding, and promised that the United States military would pose no threat to him and his followers if they remained peaceful (Kluger 2011).

In mid-June, however, Stevens informed Wright that he would be sending Frank Shaw and two hundred state militia volunteers across the Cascades to occupy the Walla Walla valley.

In his letter to Wright, Stevens stated his desire for "unconditional submission, and the rendering up of the murderers and instigators of the war for punishment," specifically naming "Leschi, Nelson, Kitsap, and Quiemuth from the Sound and suggest that no arrangement be made which shall save them from the Executioner" (Stevens quoted in Kluger 2011:177). Around the same time, Stevens wrote to the newly appointed Indian Agent Sidney S. Ford Jr., who was now running the Fox Island internment camp. "'It is necessary to procure a guide who knows the position of Leschi,' Stevens instructed Ford, 'If any of your Indians can be procured, promise fifty blankets to the man who will lead a party of soldiers to [Leschi's] camp'" (Stevens quoted in Kluger 2011:177). Frank Shaw's men did not find Leschi; nor did they encounter any Yakama or Klickitat people. They marched southwest to the Grande Ronde River and on July 17, 1856, slaughtered at least sixty Cayuse and other Indigenous peoples, mostly women and children out gathering roots (Kluger 2011). In the genocidal spirit of founding father Ranatkarias/George Washington's scorched earth campiagn, "the rampant attackers burned down 120 of the natives' lodges, destroyed their stores of food, stole some of their 200 horses, and slew the rest" (Kluger 2012:179). Stevens proudly informed Secretary of War Jefferson Davis that "The Walla Walla expedition has been completely successful" (Stevens quoted in Kluger 2011:180).

Deeming this "expedition" a success, Stevens began to disband the territorial militia regiments, and in a complete reversal of his decision to wait for the unconditional surrender of the combatants, decided that he would fulfill his promise of assigning new reservations. He arranged to hold the Fox Island Treaty Council on August 4 and 5, 1856, amongst the internees and made a spectacle of this "reconciliation," inviting Lieutenant Colonel Casey, Captain Maloney, Mike Simmons, and the HBC's William Tolmie, among others (Kluger 2011). The Indian Agent in charge of the internment camp, Sidney S. Ford, Jr., spoke to the prisoners first,

telling them that the Americans were "ready and willing to forgive the cruelty and injustice which many of you have manifested during the past year to those whose pledges of friendship have never been violated" (Ford quoted in Kluger 2011:180). Outlining the "offers" that the Americans had come to make, Ford blatantly overstated provisions of the treaty, and fabricated history by telling the prisoners that they had been offered land, agricultural and construction assistance, food, clothing, fishing privileges in half of the rivers and waters of the Sound, education, and protection (Carpenter 1996; Kluger 2011). Ford then continued: "Now my friends you all know these same offers were made long ago. Leschi understood these offers. Nelson understood them. Then why did you go to war? Why did you take up arms against the whites?" (Ford quoted in Carpenter 1996:62). In addition to being a distortion of history necessary for the assertion of hegemonic accounts, "a major form of cultural violence indulged in by ruling elites is to blame the victim of structural violence who throws the first stone, not in a glasshouse but to get out of the iron cage, stamping him as 'aggressor'" (Galtung 1990:295). Leschi and his relations were apparently to blame for the genocide perpetuated against them.

Ford was not certainly alone in his attempts to rewrite history and cast blame. When Stevens spoke to the internees, he made the outrageous assertion that the reservations in the treaties "were suggested by yourselves. I had them surveyed and found them not good. I sent word to Leschi [and] all the Indians that the reserves should be changed" (Stevens quoted in Kluger 2011:181). Stevens spoke against Leschi, blaming him for freeing half of the internees and for not accepting Stevens' reassurances that the reservations would be changed (Kluger 2011). The prisoners were now offered three reservations—one along the Nisqually River, one along the Puyallup River, and one in the highlands above the Green and White Rivers for a number of peoples under the Treaty of Point Elliot now known as the Muckleshoot (Kluger

2011; Harmon 1998). In place of the two square miles of land on a rocky bluff along the Sound by sxʷdaʔdəb/Medicine Creek, the Nisqually Reservation would now consist of seven and a half square miles of land straddling the Nisqually River, inclusive of both river bottom and prairie lands. Out of this 4,700 acre tract, 3,300 acres were lands claimed by the PSAC as "part of the disputed property claim for which the British government was seeking compensation from the United States as provided for in their 1846 Oregon Treaty" (Kluger 2011:183). In addition to this "discrepancy," Stevens made his offer contingent upon the surrender of Leschi, continuing to hold the internees in the prison camp hostage and under Ford's supervision.

Colonel George Wright at Fort Steilacoom, who had promised Leschi that the U.S. Army would not punish him, urged Stevens to forget about capturing Leschi and bringing him to trial (Kluger 2011). As word spread about the Fox Island Council, sqʷaliʔabs/Nisqually and other war refugees began to come in from outlying areas and gather around Fort Steilacoom to await relocation on the newly promised reservations (Kluger 2011). Leschi himself returned and surreptitiously visited William Tolmie, who later wrote of their meeting: "[H]e desired me to acquaint the Americans, that if they needed that reassurance, he would cut off his right hand in proof of his intention never to fight them again" (Tolmie quoted in Kluger 2011:190). Tolmie advised Leschi to seek the protection of the Army, but Colonel Casey urged Leschi to remain in hiding while there was so much hatred for him running through white settlements. Casey, meanwhile, was battling with Stevens over the Governor's denial of the status of military combatant to Leschi, Stevens insisting that the sqʷaliʔabs/Nisqually leader was a murderer. Stevens also insisted that he had information that Leschi was "endeavoring to raise a force to prosecute the war anew" (Stevens quoted in Kluger 2011:191). Casey rebutted Stevens' assertions about Leschi's "plans,", and informed Stevens that to hold Leschi and others

"accountable as murdered for acts committed in the war, is certainly inaugurating a new policy in the general government, and should receive the assent, at least, of the highest executive officer of the republic" (Casey quoted in Kluger 2011:192). Casey was backed by regional commander General Wool, who directed Casey to protect Leschi and informed the Army that he approved Casey's decision to refuse to turn Leschi over to Stevens (Kluger 2011).

With no hope of securing the Army's assistance, Stevens turned to the territorial judicial system as the vehicle for his wrath. On November 3, 1856, a grand jury was summoned in order to consider a charge of murder against Leschi for the killing of Colonel Abram Moses on Connell's Prairie (Hunt and Kaylor 1917; Kluger 2011). Among those empanelled was Stevens' confidante Antonio Rabbeson, who had been on Connell's Prairie during the shooting, and who had also been one of the men blocking access to the governor when Stevens' had been subpoenaed during the martial law scandal. Not only was Rabbeson named as grand jury foreman, he was slated as the principal witness; one of only two witnesses in the case against Leschi (Kluger 2011). Recall that Rabbeson had written a letter to the *Pioneer and Democrat* immediately following the incident at Connell's Prairie in which he had not named Leschi, whom he had known for many years, as the shooter. There is little evidence remaining of the grand jury proceedings, but Leschi was indicted for murder as a result of their deliberations. The question of whether or not the territorial court had the authority to level such a charge in a civil proceeding against a combatant in an obvious time of war was never raised in subsequent proceedings (Kluger 2011).

Leschi never surrendered. He was betrayed by his nephew Sluggia who visited Leschi's camp in the uplands on November 13, 1856, and kidnapped the tired leader, bringing him to Agent Ford who waited at Fort Steilacoom (Kluger 2011; Carpenter 1996). Judge Chenoweth of

the Territory's Third Judicial District was summoned for a special session for an immediate trial of Leschi, which Chenoweth scheduled for November 17—leaving Leschi's court-appointed attorneys little time to prepare his defense (Hunt and Kaylor 1917; Kluger 2011). Perhaps unsurprisingly, "the court clerk's notes on the trial, along with other court and Pierce County records, were destroyed by fire in April 1859" (Kluger 2011:202; Hunt and Kaylor 1917). Newspaper coverage of the one-day trial consisted of a single piece in the *Pioneer and Democrat* published eleven days after the proceedings. The article mentioned sixteen witnesses who testified against Leschi, but named only one: Antonio Rabbeson who, contradicting his letter about the same incident where he stated that the group had been fired upon from the woods behind them, claimed that he saw Leschi, Quiemuth, and another man take position directly in front of his party, take aim, and fire at him personally. The author of the post-trial article asserted that "This is precisely what Mr. Rabbeson has stated on all occasions from first to last since the murderous encounter the party to which he belonged received from the hostile Indians over one year ago" (Kluger 2011:204).

The jury must not have been stacked exactly the way that Stevens had envisioned because they could not reach consensus on a verdict, with ten voting for a conviction, and two for acquittal (Kluger 2011). Leschi was remanded to custody at Fort Steilacoom to await retrial. On the day after Leschi's first trial, his half-brother Quiemuth approached Settler James Longmire and asked the American to escort him to Olympia where he would turn himself in to the Governor (Hunt and Kaylor 1917). Arriving in the middle of the night, Quiemuth was placed by the Governor in his private office to sleep before being transported to Fort Steilacoom in the morning. Word spread amongst the American settlers that Quiemuth was in custody and that Leschi had not been convicted, angering a number of people including Joseph Bunton, son-in-

law of the recently deceased James McAllister (Kluger 2011). Bunton snuck into the Governor's office in the early morning hours of November 18, 1856, shooting and stabbing Quiemuth (Kluger 2011).

The murder of his brother, the imprisonment of his people, the theft of their lands, and the atrocities committed against women, children, and Elders must have weighed heavily on Leschi as he awaited retrial for the next three months while imprisoned at Fort Steilacoom. Around the time of Quiemuth's murder, internees began to be relocated from the Fox Island prison camp to the newly designated reservations. Sickness had taken its toll among the captives, and it is believed that those who perished in this prison camp were buried on both Days Island and Grave Island (Carpenter 1996). "Those who had relatives who had died while interned were compelled to leave their dead behind. For the Nisqually people whose custom is was to return their dead to the village burial ground, it was a sad day" (Carpenter 1996:68). As the internees began arriving, Indian Agent W.B. Gosnell informed Stevens that the sqʷaliʔabs/Nisqually were "badly prepared for the winter, both as to food and clothing" (Gosnell quoted in Carpenter 1996:69). Stevens, however, was preoccupied with manipulating the judicial system to ensure the outcome for Leschi that he desired. Taking advantage of a newly enacted federal statute that allowed the siting of a federal court at only one location per district, the territorial legislature redrew the judicial map, transferring Pierce County to the Second District instead of leaving it in the Third, and naming Olympia—the seat of Stevens' power and influence—as the judicial seat (Kluger 2011). Judge Edward Lander was assigned to adjudicate the case, which was conducted on March 18, 1857. Who better to ensure a fair hearing than a man "who had taken part in the forces marshaled to do battle against the Indian guerrillas, of whom the defendant was the leader, charged with having murdered one of Lander's fellow militiamen" (Kluger 2011:217)?

While far more documentation from Leschi's second trial still exists, the most striking absence is that of any direct transcription of the testimony against the sqʷaliʔabs/Nisqually leader. Ezra Meeker's book provides a subsequent report of the testimony of Antonio Rabbeson, who apparently provided yet another version of the encounter at Connell's Prairie:

> A.B. Rabbeson, the principal witness for the prosecution, swore that Leschi met the Moses party on the prairie and, by traveling a circuitous route, much longer than that traveled by the dispatch bearers, entered the trail through the swamp ahead of the party and had been present with the attacking party. Lieutenant, afterward general, A. V. Kautz, and Doctor Tolmie went to the prairie, made a survey of the two trails and prepared a map which, they declared, disproved Rabbeson's testimony—it would have been impossible, they said, for the Indian to have covered the ground [Hunt and Kaylor 1917:172].

None of the other witnesses substantiated that story, and it was in fact contradicted by at least one other person, "yet it was Rabbeson's words *alone* on which the prosecutors' case relied […] there was no corroborative evidence whatever in support of his jumbled testimony" (Kluger 2011:218, 226; emphasis in original). It took the jury less than twelve hours of deliberation to deliver their verdict of guilty. Leschi's execution by hanging was set for June 10, 1857, at Steilacoom on the northern edge of the sčəgʷaliču/Sequalitchew ancestral landscape. Leschi's attorneys appealed his conviction to the Territorial Supreme Court. As he awaited his trial, his capture by Sluggia was avenged by Wahelut in October of 1857, who shot Leschi's treacherous nephew and disposed of his body (Hunt and Kaylor 1917; Kluger 2011).

Leschi's appeal was heard in the territorial Supreme Court on December 16, 1857 by Justice McFadden. Ezra Meeker's account of this trial suggests that Leschi's attorneys advised him to throw himself on the mercy of the court (Kluger 2011). According to Stevens' aide, Frank Shaw, Leschi spoke the following words prior to his sentencing in March of 1857. Meeker asserts, however, that it was on December 18, 1856, after Justice McFadden denied Leschi's

appeal. In the only written account of words supposedly directly spoken by Leschi and transcribed by Frank Shaw. The sqʷaliʔabs/Nisqually headman is reported to have said:

> I do not know anything about your laws. I have supposed that the killing of armed men in war time was not murder. If it was, then soldiers who killed Indians were guilty of murder too. The Indians did not keep in order like the soldiers, and, therefore, could not fight in bodies like them, but had to resort to ambush and seek the cover of trees, logs and everything that could hide them from the bullets. This was their mode of fighting, and they knew no other way. Mr. Tolmie and [Frank Shaw]…warned me against allowing my anger to get the best of my good sense, as I could not gain anything by going to war against the United States, but would be beaten and humbled, and would have to hide like a wild beast in the end. I did not take this good advice, but nursed my anger until it became a furious passion, which led me like a false Tamanuous. I went to war because I believed that the Indians had been wronged by the white men, and did everything in my power to beat the Boston soldier, but for lack of numbers, supplies and ammunition I have failed. I deny that I had any part in killing Miles or Moses. I heard that a company of soldiers were coming out from Steilacoom, and determined to lay in ambush for it; but did not expect to catch anyone coming from the other way. I did not see Miles or Moses before or after they were dead, but was told by the Indians that they had been killed. As God sees me, this is the truth [Leschi quoted by Shaw, quoted in Hunt and Kaylor 1917:172].

Despite Leschi's protestations of innocence, and the fact that "in his review of the evidence at the retrial, McFadden failed to note that none of the witnesses had identified Leschi as Moses' killer, the principle charge on which he was indicted," Leschi was sentenced by McFadden to hang; the date of execution being set for January 22, 1858 at Steilacoom, outside of the grounds of the fort (Kluger 2011:232).

Colonel Casey at Fort Steilacoom let it be known that he wanted nothing to do with Leschi's murder. Casey had been asked by Pierce County Sherriff George Williams to provide a twenty-man escort to bring Leschi to the gallows. Casey refused, saying that he would turn Leschi over to them instead, but only on the condition that "the transfer was requested of him by someone with authority in the form of a legal warrant issued by the territorial Supreme Court (Kluger 2011:238). It is presumed that a plan was hatched on the night before or morning of Leschi's scheduled execution. Leschi's attorney, Frank Clark, purportedly convinced a young

Indigenous man to swear in an affadavit that Sheriff Williams and Deputy McDaniel, who were to serve the warrant that Casey demanded and who were also to serve as Leschi's executioners, had sold liquor to local Indigenous peoples (Hunt and Kaylor 1917; Kluger 2011). This was "a serious enough offense to require the immediate arrest and detention of the accused, pending a court hearing" (Kluger 2011:238). When the time of Leschi's execution came, there was no authorization in place to hang him. Outrage swept through surrounding American settlements, igniting days of protest in Olympia and Steilacoom. After the case was remanded to the Second District Court, Judge Chenoweth rescheduled the execution for February 19, 1857 (Kluger 2011).

Supervision of Leschi during this final part of his imprisonment, and responsibility for his execution, was assumed by Charles Grainger, who spent a great deal of time with the sqʷaliʔabs/Nisqually leader. "Grainger remembered Leschi as saying that 'people had lied about him and given false evidence,' that Tony [Antonio] Rabbeson 'had lied when he said he saw him in the swamp, and that he would meet him before his God and he would tell him there that he had lied" (Kluger 2011:241-242). Grainger is reported to have said to Ezra Meeker, "I felt that I was hanging an innocent man—and I believe it yet" (Grainger quoted in Kluger 211:242). At 11:35 a.m., on February 19, 1858, the brave and generous Leschi was sent on to meet the Creator—murdered, as was his half-brother Quiemuth before him—for defending his peoples' rights to survive.[70]

[70] In 2004, Leschi was symbolically exonerated by a Washington Historical Court, a gesture of peace which has brought a small bit of healing to the community, although Leschi still "officially" remains a "murderer" (Kluger 2011).

**Chapter 3: *"I guess I will have to give my hat up"***

What of the sqʷaliʔabs/Nisqually peoples for whom Leschi's life was sacrificed by Isaac Stevens and his cronies? While Leschi was certainly justifiably outraged at the treatment of his peoples, refused to sign the treaty, and was, without question, a leader of the resistance, it was not Leschi's resistance alone which drove Stevens to have the man murdered. There was a trail of lies and deception left in the wake of the Treaty Councils of 1854-1855 which had to be obscured at all costs. As noted in the previous chapter, no transcription of the minutes of the Medicine Creek Treaty Council can be located, if minutes were indeed even prepared. There is an incomplete account of the written by George Gibbs, appointed by Stevens as Secretary for council, which notes that on December 25th 1855, "The Programme of the Treaty was fully explained to the Indians present" (University of Washington Library [UW] Department of the Interior [DOI] Office of Indian Affairs [OIA]. Documents Relating to the Negotiation of Treaties [DRNT], Documents Relating to the Negotiation of the Treaty of December 26th, 1854, with the Nisqualli, Puyallup, and Other Indians [DRNTMC] Microfilm A-8207, reels 5-6).

In his account, Gibbs includes a paternalistic excerpt of a speech purportedly given by Stevens, telling the ʔaciɬtalbixʷ/First Peoples in attendance that:

> The Great-Father […] wishes you to have houses, pasture for your horses and fishing places. He wishes you to learn to farm and your children to go to a good school. And he now wants me to make a bargain with you, in which you will sell your lands and in return be provided with all these things. You will have certain lands set apart for your houses and receive yearly payments of Blankets, Axes, &c. All this is written down in this paper which will be read to you. If it is good you will sign it, and I will then send it to the Great Father. I think he will be pleased with it and say it is good; but if not, if he wishes it different, he will say so and send it back and then if you agree to it, it is a fixed bargain and payment will be made UW, DOI, OIA, DRNT, DRNTMC, Microfilm A-8207, reels 5-6].

Gibbs relates that the treaty provisions were read to the people, "and explained to the Indians by the Interpreter and every opportunity given then to discuss it," further asserting that no one

objected and the treaty was signed by Stevens and all of the chiefs whose names appear on the treaty itself (UW, DOI, OIA, DRNT, DRNTMC, Microfilm A-8207, reels 5-6). As discussed in the previous chapter, however, numerous first-hand accounts of the Medicine Creek Treaty Council provide evidence that Leschi objected strenuously to the treaty, and that he walked off the council grounds without signing.[71] Stevens' account of the treaty council, provided in a letter to Commissioner of Indian Affairs George Maypenny, is less than revealing about the events that took place at the treaty grounds at sxʷdaʔdəb/Medicine Creek:

> I reached the Treaty ground on the 24th, ascertained the views of the Indians, decided upon disputed points and on the 26th instant called the Indians into Council and after a short address the Treaty was read to them, paragraph by paragraph, and duly signed both by myself and the Chiefs, Head-men, and delegates of the several tribes. I was highly gratified at the result, as in the first instance they desired more reserves and larger reserves [University of Washington [UW]: Washington Superintendency of Indian Affairs [WSIA]: Microfilm A-12046].

Stevens' account omits an entire day of the proceedings, as well as any indication of Leschi's outrage and refusal to sign the treaty. It also completely contradicts Stevens' later assertions at both the Fox Island Council discussed in the previous chapter, and in subsequent letters and reports to the Commissioner of Indian Affairs, that the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples signatory to the Treaty of Medicine Creek had chosen inadequate reservations for themselves. When we consider these erasures and contradictions in the light of Stevens' rabid and unfounded persecution of Leschi, we begin to understand that perhaps all of the documents pertaining to the Medicine Creek Treaty Council, the Indian Superintendency of Washington Territory, and Leschi's trials which are said to have been lost or accidentally destroyed, have more accurately been "disappeared."

[71] I showed the photocopy of the microfilmed copy of the Treaty of Medicine Creek to my partner Christopher, who was very quick to point out that the "X"s next to the names of the majority of chiefs are all visually identical, having an odd hooked line that is repeated many times throughout.

It is therefore only possible to reconstruct with any accuracy what transpired on the banks of sxʷdaʔdəb/Medicine Creek in late December of 1854, and the promises that were made to the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples through the recollections of Elders who had been present at the council, or who had been taught this history by such witnesses. As an Indigenous scholar, I choose to give primacy to the voices of Indigenous Elders whenever possible not out of sentimentality and justice alone, although it always moves me to read the words of our older people and they have too often been silenced within academic, policy, and legal venues. It is our older peoples' understandings of the treaties that motivated their subsequent actions and expectations. In addition to gaining insight into these motivations and the grievances arising out of the failure to meet Indigenous expectations and the betrayal of oral promises, Indigenous interpretations of treaty provisions are essential elements within the canons of construction used by the federal courts in their interpretation of treaty provisions and the inherent sovereign rights that are recognized therein. The canons of construction used by the courts in interpreting treaties include the rules that "ambiguous expressions must be resolved in favor of the Indian parties concerned; Indian treaties must be interpreted as the Indians themselves would have understood them; and Indian treaties must be construed in favor of the Indians" (Getches et al. 1998:131).[72]

Elders present at the Medicine Creek Treaty Council, and Elders who had learned of the council from first-hand witnesses and designated historians within Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples' communities, later testified to Stevens' perfidy within depositions provided to the United States Court of Claims during the adjudication of *Duwamish et al. Tribes*

[72] An additional canons of treaty construction, the reserved rights doctrine, will be discussed in Chapter 7 of this work.

*of Indians v. United States* (1927) (79 Court of Claims 530).[73] These accounts are invaluable as the oral transmission of history and cultural teachings within sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples communities within Puget Sound is, in large part, under the aegis of specialized knowledge keepers. Puyallup claimant Jerry Meeker, age 63, when asked about the existence of such historians, asserted that "in some places, in some parts they had a certain man to carry that on as they trained their youngsters" (UW, USCC, *Duwamish et al. v. United States* (1927): Microfilm A-7348:637). He names several men in his own Puyallup band who carried that responsibility, including Wa-sach-alt, Quatsuk, John, Quick-shot, Jackson, and Spaim (UW, USCC, *Duwamish et al. v. United States* (1927). Microfilm A-7348:637).

In addition to acknowledging the inherited rights and responsibilities of such knowledge keepers, and the accuracy with which they are expected to observe and pass down knowledge pertaining to important events, it is necessary to understand the concept of witnessing within Puget Sound ʔaciɬtalbixʷ/First Peoples' societies. Witnesses are chosen to remember important historical and cultural events of the people, validating this history through their intimate recollections in order to "make what had taken place true" (sm3tcoom Delbert Miller, personal communication 2012). There are extremely high expectations of witnesses, as their accurate remembrances are not only used to validate historical experiences, but also within the resolution of community and inter-community conflicts (sm3tcoom Delbert Miller, personal communication 2012). Jerry Meeker recounts being told of the treaty by eyewitnesses: "I learned the treaty from Tyee Dick; I learned the treaty from old Sitwell and Yellum Jim, of Nisqually, and John Swan, who was one of the elder men of the Puyallups here, and Tom Stolia, who was a

[73] The Court of Claims, and the 1927 case *Duwamish et al. Tribes of Indians v. United States* (79 Court of Claims 530), are addressed in the next chapter. The Nisqually Tribe was not a party to this case, but they are a party to the Treaty of Medicine Creek, and the *Duwamish et al.* (1927) depositions contain eyewitness testimony pertaining to that specific Treaty Council of late December 1854. The sqʷaliʔabs/Nisqually filed their own ICC claim in 1928, as will be discussed in the next chapter.

chief once of the Puyallups, and various other old Indians I could mention; they had Indian names; they had no English name" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:636-637). From these eyewitness and second-hand oral historical accounts contained within the *Duwamish et al.* (1927) depositions, we learn of the obfuscation, lies, and broken promises related to the Treaty of Medicine Creek which compound the structural genocide of Settler colonialism through which sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples continue to persist.

Squaxin Island Elder Johnny Scalopine testified that at the Medicine Creek Treaty Council, "There was a man that spoke to another man in Chinook and this man interpreted it in their native language, in Indian, and that is where he would understand, not understanding the English language and the Chinook language until it was translated to the native language" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:214). The testimony of Puyallup Elder Jerry Meeker, himself a speaker of Chinook Jargon, confirms the imprecision of the language, testifying that "it is very difficult to translate and interpret in Chinook. It got to be used in the very common way of trading […] Not for big transaction […] the jargon has a word that will represent six or seven or eight meanings" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:636, 639). The imprecision of the Chinook Jargon undoubtedly left many attendees at the treaty council with false impressions regarding its purpose. Puyallup Elder Louisa Duette, unsure of her own age, whose cousin Tokl-duway was a translator during the council, testified through interpreter Jerry Meeker that "the Indians that were there, they didn't understood it thoroughly, but they understood it at the time that the Government is giving them free gifts of some goods […] She mentioned two Indian interpreters, John Wayab and Hiton, and they understood at the time the Government was going to give them gifts" not in

exchange for lands, but as tokens of esteem and friendship (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:647). Additionally, Puyallup Elder Wapato John testified that Hiton was just learning the jargon at the time of the treaty council (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348). Puyallup Elder William Henry Wilson testified:

> Well, I have got to say the poor Indians during the treaty were taken out of the wilderness—the poor people that has been exposed to the commercial world—and told verbally what they going to have and what their children is going to have, and not in writing. I pity those old people. If Mr. Stevens had written "In 75 years your offspring will be exterminated," they would have signed that, with all the knowledge they had about transacting business [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:670].

When you take into account the imprecision of Chinook Jargon, and the fact that treaty-delineated cessions of vast swaths of land were hardly a well-understood practice within ʔaciɬtalbix$^{w}$/First Peoples' political life, it is not very likely that any sense of Stevens' intentions, or those of the federal government, was communicated at all.

What were the promises Stevens made to which these Elders testified over seventy years later? In regard to the lands that were to be reserved, Puyallup Elder Louisa Duette, present at the treaty council, recalled that "They understood some of the interpreting, but most of the Indians didn't understand it […] They understood that they were to get all the land they want, and were pleased at that" [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:641]. Squaxin Island Elder Johnny Scalopine, also a Medicine Creek Treaty Council attendee, recalled that:

> The old people never mentioned that they were going to get any allotments of so many acres; they were just to get a whole big reservation; but never was stated to them that they should have allotments in the reservation […] The Government officers promised to give them a big reservation, but they never say about allotting this land to them, but just as their home, the whole big reservation, just as the home of the tribe, because there was a

> big tribe of them [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 218].

Puyallup Elder Jerry Meeker had been told that council attendees were led to believe that the small reservations outlined in the treaty were "sort of temporary until they find a suitable site to give them enough" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:627). This view is confirmed by Squaxin Island claimant John D. Simmonds, who was serving as a subagent on the Squaxin Island Reservation during the time of his deposition: "Yes, I have heard several Indian chieftains, in my time, which died a number of years ago, tell us younger class of people that there was to be a large reserve laid aside for the people that was moved from these bays down on Squaxin Island […] I understood them to say that they were still waiting for that allotment or large reservation, by a good many old people that I remember of" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 225).

In addition to remembered promises of far larger tracts of reserved lands, Squaxin Island Elder Julian Sam Simmonds recalled that the older people remembered being promised "the farm implements, tools of all kinds to use on their lands, the money that was to be furnished them to clear their lands, to get whatever useful things they should have for their schools, and lots of needful other things that were promised the Indians, which they never got" (UW: USCC: *Duwamish et al. v. United States* (1927), Microfilm A-7348: 213). John D. Simmonds testified that the older people were promised livestock, farming implements, a blacksmith, and instruction in farming, none of which they ever received (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 227). Mr. Simmonds also testified that the older people told him that they had never been compensated for the homes and personal property that had been confiscated or destroyed by invading Settlers. Elders such as Squaxin Island Elder Julian Sam Simmonds testified as to how, both before and after the ratification of the Treaty of Medicine Creek, Settlers

encroached upon ʔaciɬtalbixʷ/First Peoples' homelands and "the white people drove the Indians out of those houses" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:218).

The destruction of ʔaciɬtalbixʷ/First Peoples' longhouses and village sites by invading Settlers was widespread throughout western Washington, as confirmed by the testimony of Skokomish Elder Dick Lewis and Chehalis Elder Mary Heck. Mr. Lewis testified that tuwaduq/Skokomish families were driven from their homes and that "the houses were usually burned down" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:599). Ms. Heck testified "that they took possession of the land; they plowed it, and burned their houses […] She says they never got nothing, and when they go back to their place where they used to live the white man threatened their life; they even mutilate the graves" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:537). This destruction was not limited to village sites and burial grounds, as is illustrated in the translated testimony of Wapato John, an Elder enrolled at Puyallup but living on the Nisqually Reservation: "They destroyed our fish traps, cut them with their axes. He seen it with his own eyes. That was his father's property—fish trap." (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:659) Despite oral promises and treaty provisions pertaining to compensation for the loss of homes and improvements, none was ever received by the sqʷaliʔabs/Nisqually or other ʔaciɬtalbixʷ/First Peoples signatory to the Treaty of Medicine Creek.

A number of Elders speak of a promise which Stevens made which is so unusual that the fact that people from different nations mention it in their testimony indicates to me that it must be true. These stories have also been confirmed for me by sm3tcoom Delbert Miller, who has

heard them from his own tuwaduq/Skokomish Elders (personal communication 2012). Squaxin Island Elder Johnny Scalopine testified that:

> They promised the Indians all of that, and the Indians they gave three cheers because Governor Stevens told them that he was going to fill their hats up with the gold, and they were so glad and they made three cheers because they were going to get a hatful of gold apiece—small and big just the same. This hatful of gold, after the Indians cheered three times for it, they were going to get it, but it was never fulfilled and they have not received it to-day. That is all. He says when he gets his hatful of gold he will give the rest of them some of it [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:220].

Squaxin Subagent John D. Simmonds corroborates this testimony:

> One old fellow I remember very well, he had a very large hat, it was an Indian make of hat, and Judge Wickersham came to the island, he wanted to buy this hat. The old Indian said "No, I am still waiting for my payment from the Government, which will fill that hat with gold, in payment for my home and house which I formerly left and where I used to live," and he says, "I guess I will have to give my hat up because I am still waiting for that gold which I haven't got yet." And I have heard other Indians say—those that didn't have a hat, they were to have their blanket and have it filled with gold, in payment of their homes that they had surrendered to the white man, also that they never got [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:227].

Stevens' promises of hats and blankets full of gold immediately bring to my mind the fact that, as discussed in the previous chapter, gold had been "discovered" by whites on the beach at Steilacoom in 1853, directly across the mouth of the Nisqually River from the treaty grounds. I have to wonder if perhaps the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples were aware of the presence of gold in these gravel deposits at the time of the treaty, and what role this knowledge may have played, along with Stevens' promises of hats and blankets full of gold, in the subsequent internment of the people on Fox Island and the physical enclosure and exploitation of the sčəgʷaliču/Sequalitchew ancestral landscape.[74]

The depositions of Elders taken as testimony in *Duwamish et al.* (1927) also provide a window into Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples' understandings of the

[74] In the final chapter of this work, I will discuss my own "discoveries" pertaining to the gold within the Steilacoom gravels of sčəgʷaliču/Sequalitchew.

confirmation of inherent rights to subsistence contained within the Treaty of Medicine Creek. Squaxin Island Elder Dick Jackson, age 86, recalled:

> When the treaty was made the Indians reserved their right for their fishing and hunting. They promised them that even if the creek was running through a white man's field, if there was any fish in there, they have a right to hook that fish out, or if there is any wild berries inside of a white man's ranch, they have a right to go pick inside of that fence and get their own food. That is the promise they received. He says that they reserved everything in the salt water and in the creeks and in the rivers and up on the hills, and that is what made the Indians agree to this treaty that was made, because they reserved all of this; they thought they were going to have it all to themselves [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:224].

Squaxin Island Elder Anna Fredericks confirmed that she had heard the older people speak "about these fish rights and oyster rights and game rights, that they were going to have that; she heard the old people say that all the time, that they had that right. She said at that time that the treaty was made the old Indians didn't know anything about any food excepting their own food, and that is why they asked for their rights, for all of this game" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:228). Squaxin Island Elder Julian Sam Simmonds also recalled that the older people told her that:

> [A]ll our wild game, fish, both fin and shell fish, were left to the Indians to make their living from, the same as they did when there was no white person around their territory, in the streams or in the bays; it don't make any difference where they were, and Indian had the right to go catch his salmon or his wild game at any time to make their living from. Otherwise, they would not have agreed to the treaty, because that is the only living they had—all wild game and fish. And they still want it to-day, the same as they did, with their grandfathers and mothers [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 213-214].

This testimony about what the signatories to the treaty understood regarding the inherent rights to subsistence confirmed therein is essential to understanding subsequent assaults on these rights by the Territory and subsequently State of Washington and its citizens, as well as the federal response to those assaults. As Puyallup Elder Joseph Swyell, a treaty council attendee, testified:

> Governor Stevens made a bargain with my older people, all about fishing, hunting, and clam digging. Governor Stevens promise them that "Whatever I say to you now, it be yours." Governor Stevens told them "whatever you got now, I have no right to take it away from you." The Indians got up and said to one another "You better ask him if this is permanent contract that the governor is giving us." When they asked him that question, he answered them this way: "When the sun stops coming, rising in the morning and dropping at night, and when the river stops flowing, that is the time it will expire." […] That is all about the fishing, hunting, and clam digging, and what Mr. Stevens had promised the Indians has never pulled through [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 673-674].

The assault on sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples' fishing, hunting, and gathering rights, and therefore sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples' sovereignty and physical and cultural survival, by the Territory and State of Washington and its citizens began before the treaty and has, as will be discussed throughout the remainder of this work, continued uninterrupted up through the present day.

As none of the promises which Stevens had made at sxʷdaʔdəb/Medicine Creek materialized, as Leschi and others had not agreed to the treaty to begin with, and as the rest of the Stevens treaties remained unratified for a number of years, is it really any wonder why there was discontent amongst sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples over the months and years immediately following the treaty council? Stevens' lies and broken promises and his desire to keep his duplicity hidden, rather than the fear of an organized Indigenous uprising, seem to me the more obvious reasons for Stevens to intern treaty signatories in prison camps for thirteen months. Puyallup Elder Louisa Duette testified that it was not until "after the war they got the Indians together and they made them select their reservations," and it was only then that the people began to understand that they were having lands taken away from them (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:647). Stevens reported to Commissioner of Indian Affairs Maypenny in May of 1856: "I am gratified to be able to report that the policy of protecting the friendly Indians and preventing their taking part in the war

has not only been completely successful, but that the policy of kindness and mercy to submissive and unconditional prisoners has been practically enforced" (United States Department of the Interior [DOI], Annual Report of the Commissioner of Indian Affairs [ARCIA] 1856:184-185).

Perhaps by "kindness and mercy" Stevens is referring to practices such as those referred to by Squaxin Elder Johnny Scalopine: "He says he remember when they put all the Indians into the Squaxin Island during the Indian war and they fed the Indians with this molasses. If a man had a big family he would get that; if he didn't have any family he could not get it" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:219). Perhaps "kindness and mercy" was embodied within the lies that Stevens' told to internees that they were the cause of their own imprisonment, having unwisely chosen inadequate reservations for themselves and then attacking their peaceable white friends when they became dissatisfied. Or perhaps "kindness and mercy" was delivered to internees through an entirely new set of promises that Stevens had no intention of keeping. Squaxin Island Elder Dick Jackson testified:

> that a man was hollering out telling the people that they were going to have a big reservation, that Squaxin Island was too small for all of the people to take an allotment, but there was the Tahola Reservation and the Yakima Reservation for them to take an allotment on either one of those reservations, because Squaxin was too small for the people […] He says it was after the treaty in Medicine Creek that Governor Stevens went down to Squaxin and called the tribe together there and hollered out and told them through his interpreter, told the people to take up allotments on the different reservations [UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 224].

Squaxin Island Elder Julian Sam Simmonds reported that Elders had told her that "each and every old Indian, their children, their grandchildren, and great-grandchildren, and so on, that they were to have each an allotment at any reservation that they can come into, being an Indian […] I have heard some of the older folks say that each one was to get 160 acres, old and young alike, even their little children" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:212). The "kindness and mercy" shown by Stevens and other whites is poignantly captured

in the testimony of Puyallup Elder Mary Anne Dean: “She feels hurt over this reason, that her father suffered with those that fought for their homes. They thought in the beginning it was their homes and it was their country. When the white people came to this country they were put to all this trouble and hardship. That is all” (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 678).

Rumors of Stevens’ “kindness and mercy” were circulating throughout Washington Territory and the nation. In a 1856 Report to the Commissioner of Indian Affairs, Stevens reassured Commissioner Maypenny that, "If the infamous caluminators of the people of this coast could have been present at some of the interviews and consultations between Simmons, the two Fords, Gosnell, and myself, they would hang down their heads for shame for the remainder of their lives for having so grossly perverted the truth of history” (DOI, ARCIA 1856:188). In order to maintain this illusion of innocence, Stevens exercised the colonizer’s prerogative of sanitizing history. Unfortunately, the only written primary sources that I could locate which contain any sense of what life was like for the sqʷaliʔabs/Nisqually during the early reservation period are those written by American government agents and PSAC employees. Even these biased accounts provide a window into the capsized world in which the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples were thrust. Without admitting any government complicity or wrongdoing, Indian Agent Wesley Gosnell reported to Governor Stevens at the close of 1856 that:

> Without doubt some Indians had suffered real grievances in a limited degree at the hands of whites. Bad white men had obtained the labor or services of Indians and failed to pay the stipulated wages. Their ancient burial places and fishing grounds had been interfered with, and old camping spots and potatoe [sic] patches had been wrested from them and plowed up by the setters [UW, WSIA Microfilm A-12046].

As noted by Commissioner of Indian Affairs Maypenny in his 1856 annual report, "It cannot be disguised that a portion of the white population of the Pacific Territories entertain feelings deeply hostile to the Indian tribes of that region, and are anxious for the extermination of the race" (DOI, ARCIA 1856:18). To stave off that extermination and compel the assimilation of the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples, they were moved from the prison camps to other zones of exclusion to begin the next phase of Settler colonial elimination: the reservations which Stevens had designated during the Fox Island Treaty Council.

There appears to have been a great deal of confusion about where exactly the sqʷaliʔabs/Nisqually peoples were to be moved. Stevens wrote to Commissioner Maypenny on December 30, 1854, transmitting the articles of the Treaty of Medicine Creek. Immediately following this document on the National Archives and Records Administration [NARA] microfilm roll titled *Documents Relating to the Negotiation of the Treaty of December 26th, 1854, with the Nisqualli, Puyallup, and Other Indians,* are a number of maps including a map of the She-nah-num Reservation, west of sxʷdaʔdəb/Medicine Creek which, as discussed in the previous chapter, had been erroneously surveyed by George Gibbs. Reddick and Collins (2005) assert that the map which accompanied the Treaty which Stevens forwarded on to Washington D.C. is the map which, on this roll of microfilm, is dated 1855 and which is placed on the roll immediately following a typed copy of a letter from Stevens to Maypenny, dated August 28, 1856. I believe that Reddick and Collins are mistaken, and it is interesting to me that they cite Nisqually historian Cecilia Carpenter as the source of the copy of the map that they include in their article while noting its formal place on the NARA microfilm reel. It appears to me, however, that the 1855 map is the map to which Stevens refers in the letter, excerpted below,

which immediately precedes it on the microfilm, written to the Commissioner immediately following the Fox Island Council. In his letter, Stevens states that:

> The result of the conference was that I agreed to recommend to the Department a change in the Nisqually and an enlargement of the Puyallup reservation. The reservations however not to be definitely settled, till they had been carefully surveyed. It is proposed to locate the Nisqually near the Mouth of the Nisqually River and the Puyallups on the reservation near the mouth of the Puyallup secured in the Treaty, but enlarged so that the horse Indians shall have sufficient range for animals within the boundary of the reservation [UW, DOI, OIA, DRNT, DRNTMC, Microfilm A-8207, reels 5-6:735].

The She-nah-nam Reservation, which comes to be called the South Bay Reservation by subsequent federal agents, is much closer to the mouth of the Nisqually River than the reservation to which the main body of sqʷaliʔabs/Nisqually peoples was removed, four miles upriver. As will be discussed later in this chapter, the question of the location and amount of lands reserved for the sqʷaliʔabs/Nisqually peoples remains, having their genesis in Stevens' inability to follow his own trail of deception.

The upriver reservation, as previously discussed, had been located within the disputed land claim of the PSAC (Kluger 2011). Stevens, in a letter to Commissioner Maypenny written in December of 1853, prior to the Treaty of Medicine Creek, states that "as regards the Territory of Washington, the Indians claimed the whole of the Territory at the time of organization, except such portions as were in the possession of the Hudson's Bay & Puget Sound agricultural companies, and of the Missions established by consent of the Indians previous to the organization of the Territorial government" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:729). The fact that Stevens acknowledged the possessory rights of Britain under the Doctrine of Discovery is also evidenced by the map to which Reddick and Collins (2005) refer on which Stevens had drawn a square delineating a proposed reservation for the sqʷaliʔabs/Nisqually at the mouth of sčəgʷaliču/Sequalitchew Creek, also within the claim of

the PSAC. According to Reddick and Collins (2005), Stevens had crossed this square out on the map in recognition of Britain's purported possessory rights.

The United States' recognition of Britain's possessory rights, however, raises questions regarding the legality of the cession of these lands by the sqʷaliʔabs/Nisqually to the United States as Stevens himself, and perhaps his superiors, were of the mind that the sqʷaliʔabs/Nisqually had ceded their interests in these lands containing the sčəgʷaliču/Sequalitchew ancestral landscape to the *British*. As Britain had never extinguished sqʷaliʔabs/Nisqually title to the lands that they occupied, and Stevens declared the lands of sčəgʷaliču/Sequalitchew as British territory and exempted them in his letter from the lands claimed by the ʔaciɬtalbixʷ/First Peoples of Washington Territory. Therefore, according to convoluted and racist Settler colonial reasoning, the sčəgʷaliču/Sequalitchew ancestral landscape and environs which were claimed by the PSAC are in fact still unceded sqʷaliʔabs/Nisqually territory.[75] The British, in fact, maintained the PSAC post at Fort Nisqually, and maintained their land claim, for fifteen years after sqʷaliʔabs/Nisqually peoples began life on the upriver reservation.

The fact that the Nisqually Reservation designated after the Fox Island Council, almost eighteen months after the designation of the She-nah-num Reservation, was placed within the PSAC claim can be read, in part, as an attempt to oust the British from the Territory. Agent Gosnell wrote to Stevens on December 31, 1856, stating that the sqʷaliʔabs/Nisqually peoples were encouraged to go to war with the Americans:

> by certain employees and discharged employees of the Hudson Bay Company and other foreigners in this Territory, intermarried with Indian women. These people told the Indians that a war between the United States and Great Britain was unavoidable, and that if they could succeed in wiping out the settlements north of the Columbia river, they would not only receive the benefit of the plunder, but they could obtain better pay for the

[75] In fact, the United States itself comes to make this claim, as will be discussed in a subsequent chapter.

> lands from the English government and the Americans would never again attempt to settle the country. These assurances I am informed were accompanied by liberal presents of ammunition, and promises of further assistance in case of need [UW, WSIA Microfilm A-12046].

Because of the United States' recognition of British hegemony over PSAC holdings claimed under the Doctrine of Discovery, the decision to locate the upriver Nisqually Reservation within the PSAC claim relegated the sqʷaliʔabs/Nisqually peoples to a zone of indistinction outside of the territorial boundaries of the American polity and yet under its jurisdictional control. sqʷaliʔabs/Nisqually peoples were being manipulated as pawns in a game in which the colonizing sovereigns were engaged to determine which of them had the "right" to de-legitimate sqʷaliʔabs/Nisqually land tenure, and divest sqʷaliʔabs/Nisqually peoples of their homelands (Rifkin 2009).

A number of sqʷaliʔabs/Nisqually peoples began to gather on the reserved upriver tract in December of 1856. It appears to me as though not only did sqʷaliʔabs/Nisqually peoples move to this reservation, but that they and other ʔaciɬtalbixʷ/First Peoples of Puget Sound moved to the reservations at which they had familial ties, rather than because they assumed a specific tribal identity as, for example, "Nisqually" or "Puyallup," and the testimony of Elders in *Duwamish et al.* provides support for this view. Puyallup Elder Wapato John, who was living on the Nisqually Reservation, claimed that the Puyallup territory encompassed Muck Creek, where Leschi and Quiemuth had their farm, dəxʷ xʷiyačiʔ/American Lake on the edge of the sčəgʷaliču/Sequalitchew ancestral landscape, and areas such as the Skookumchuck watershed, well within what the sqʷaliʔabs/Nisqually peoples consider to be their own territory (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348).

Part of this overlap is undoubtedly due to intervillage ties through marriage and blood, which helped to ensure that the sqʷaliʔabs/Nisqually, as Wapato John noted, "can come and fish

all they want to with us […] They were friendly. They just come for to get and go home, and they go over there and fish and come back. They were friendly" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:660). Puyallup Elder Louisa Duette was born and raised in her father's longhouse on the shore of dəxʷ xʷiyačiʔ/American Lake, on the edge of the sčəgʷaliču/Sequalitchew ancestral landscape well within the territory of the sqʷaliʔabs/Nisqually peoples. Yet at some point, her family moved to the Puyallup Reservation and became enrolled members of the Puyallup, rather than the Nisqually, Tribe (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348). The overlapping territories to which these Elders testify clearly illustrate that the "Tribes" created by Stevens at the time of the treaties not only served the purpose of manufacturing legal entities with whom the United States could treat, but also functioned to disrupt traditional family and greater social and political structures, destabilizing the authority of headmen and leading families in a conscious attempt to destroy ʔaciɬtalbixʷ/First Peoples' political integrity through the delegitimation of Indigenous watershed-based territoriality.

In regard to the sqʷaliʔabs/Nisqually peoples who gathered on the reserved upriver tract, Agent Gosnell informed Stevens that despite the lack of preparation for their arrival, "Quite a number, perhaps 100 Indians, have congregated here. These Indians are also badly prepared for the winter both as to food and clothing. Their health, however, is generally very good" (UW, WSIA, Microfilm A-12046). One month later, Gosnell informs Stevens that William P. Wells, in the position of the resident farmer provided for in the Treaty of Medicine Creek, commenced operations on the Nisqually Reservation.

> There are about 250 Indians properly belonging to this Reservation, of which only 100 have come in, the remainder are scattered [on] the shores of the Sound, and at the Hudson's Bay Co's Post, Fort Nisqually. The principle portion of the 100 who have come

> under the control of the Department belonged to the hostile bands of Leschi and Quiemuth in the late Indian war [UW, WSIA, Microfilm A-12046]

As noted here by Gosnell, sqʷaliʔabs/Nisqually peoples continued to live at the village at sčəgʷaliču/Sequalitchew and, as later confirmed by numerous Indian Agents, on the lands which had been surveyed by George Gibbs and designated as the She-nah-num or South Bay Reservation, slightly to the west of sxʷdaʔdəb/Medicine Creek, which itself is west of the mouth of the Nisqually River. For those on the upriver Nisqually Reservation tract, Farmer Wells reported to Agent Gosnell that he had been "ordered to the Nisqually Reservation on Feb. 13th, 1857," thirteen days after Gosnell's letter to Stevens in which Gosnell said Wells had already commenced operations (UW:WSIA Microfilm A-12046). Upon his arrival, Gosnell "found some ten or fifteen families of Indians living on the Reservation in a very destitute and almost starving condition," hardly the picture of good health that Gosnell reported in his letter to Stevens on December 31, 1856 (UW, WSIA, Microfilm A-12046).

Within a few days of Wells' arrival at Nisqually, Agent Gosnell reported to Governor Stevens that a sqʷaliʔabs/Nisqually man named Yelm John, or One-Armed John, was murdered by Settlers, "one of whom engaged his attention in conversation whilst the other shot him" (UW, WSIA, Microfilm A-12046). Gosnell asked Stevens to make a requisition to the Army to provide protection for the sqʷaliʔabs/Nisqually peoples "from unprincipled white men whilst the temporary buildings are being made and the preliminary steps taken to permanently locate them on their Reservation" (UW, WSIA, Microfilm A-12046). In March of 1857, Gosnell reported that:

> No indictment was found for the murder of "Yelm John," or for the murder of Quiemuth. At this term of the Court, Leschi, the Nisqually Chief was tried for the murder of A.B. Moses. The trial resulted in his conviction (although the evidence appeared to me far from conclusive as to his guilt) and he was sentenced to be executed on the 10th of June next [UW:WSIA Microfilm A-12046].

The failure to prosecute the murders of Yelm John and Quiemuth, as well as the lynching of Leschi, while having the appearance of being "exception[s] from the regular regime of law actually expose [sic] the rooting of the law itself in a 'sovereign' will that can decide where, how, and to what the formal 'juridical order' will apply" (Rifkin 2009:89-90). In early March of 1857, the Indian Superintendencies of Oregon and Washington territories were brought under the supervision of a single administrator, J.W. Nesmith, who reported that his duties to supervise agents and visit the Tribes under his care were impossible to fulfill (DOI, ARCIA 1857). At the end of March, Agent Gosnell reported to Stevens that resident Farmer Wells had been directing the sqʷaliʔabs/Nisqually peoples on the upriver reservation to clear and fence land in preparation for farming (UW, WSIA, Microfilm A-12046). By June, it is reported that the sqʷaliʔabs/Nisqually people have cleared and planted fourteen acres of the reservation, and constructed five houses for their own use, being paid a per diem for their labor (DOI, ARCIA 1857). On June 2, Stevens was officially relieved of his duties as ex-officio Superintendent of Indian Affairs for Washington Territory, leaving him plenty of spare time to pursue Leschi's murder and institute martial law.

Stevens' replacement, Superintendent J.W. Nesmith, makes his views on appropriate federal Indian policy clear from the beginning of his term. A staunch advocate of American apartheid, Nesmith argued in his 1857 report to the Commission of Indian Affairs that "Any man who has the least idea of Indian character in this barbarous and uncivilized state will not be long in arriving at a conclusion as to what would be the result of their living with and occupying the country in common with the whites" (DOI, ARCIA 1857:317). Nesmith calls for all of the ʔaciɬtalbixʷ/First Peoples to be settled upon reservations and provided assistance until they can be taught to farm, yet he seems to have little hope of the success of his plan, noting that, "So far

as their ultimate civilization or Christianization is concerned, I am convinced that all such ideas are utopian and impracticable" (DOI, ARCIA 1857:319). Nevertheless, a government school geared toward the assimilation of children which had been provided for in the Treaty of Medicine Creek was commenced at the Squaxin Island Reservation in June of 1857. Because of this reservation's relatively remote location, only Squaxin Island children attended the school, constituting another abrogation of treaty stipulations (UW, WSIA, Microfilm A-12046). Nesmith lamented the fact that all of the betrayals and deception which the sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples have "had the effect to destroy their confidence in the veracity of the government agents; and now, when new promises are made to them for the purpose of conciliating their friendship, they only regard them as an extension of a very long catalogue of falsehood already existing" (UW, WSIA, Microfilm A-12046). This deep and justified mistrust is also subsequently noted by Agent Gosnell, who cautioned Nesmith that, "It is not then a matter of astonishment that the Indian should sometimes view with suspicion what we tender to him under the name of civilization, or regard it as only a speedy means of blotting out his tribe from the face of the earth" (UW, WSIA, Microfilm A-12046).

Broken government promises, murders, and massacres at the hands of white settlers were not the only acts of genocide and ethnocide endured by the sqʷaliʔabs/Nisqually peoples who had moved to the upriver reservation this first year after being released from internment. In September of 1857, Agent Gosnell notes in a report to Superintendent Nesmith that "The Indians of my charge are undoubtedly diminishing in numbers. This is owing mainly to diseases, accidents, fights, and murders growing and of the immoderate use of ardent spirits" (UW, WSIA, Microfilm A-12046). In December of 1857, Gosnell reports the widespread incidence of fatalities due to an influenza outbreak, as well as lamenting the deaths and injuries due to

excessive use of alcohol; alcohol which was being illicitly supplied by soldiers at Fort Steilacoom and citizens in the town of the same name (UW, WSIA, Microfilm A-12046). In addition, it is noted that the salmon runs were greatly diminished that winter, and the crops which the people had worked so hard to put in the ground had been a complete failure, bringing starvation to many sqʷaliʔabs/Nisqually families who had survived the internment (UW, WSIA, Microfilm A-12046). What is not noted in this report is that the salmon runs had been purposely decimated: "During the war, Col. Casey sagaciously cut off the hostile tribes from this resource by constructing weirs at the mouths of the rivers in the hostile district, and thus alarmed the most obstinate bands into submission to avoid starvation" (Gibbs quoted in Lane "Treaty Rights Workshop" n.d.:9). These and similar acts of combined ecocide and genocide eroded the physical, emotional, political, spiritual and cultural well-being of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples. These acts of violence were compounded by efforts to eradicate the ancient spiritual and social practices which bound the community together:

> It is much to be regretted that these poor deluded creatures will adhere so tenaciously to their old superstitions in spite of all our efforts to enlighten them. Amongst the most obnoxious of these is their belief in the efficacy of the "Tamanawas" […] I think it would be beneficial for the Indians in general if a regulation could be established and enforced amongst them prohibiting the practice of "Tamanawas," and a fine or other punishment imposed or inflicted upon any Indian who might attempt to practice it. Besides the evil it produces by keeping the Indians poor, it is also one of the great bars to their improvement, and until this and others of their ancient and barbarous superstitions can be removed little can be effected towards their civilization [UW, WSIA, Microfilm A-12046].

While formalized efforts to eradicate Indigenous spiritual practices had not yet been instituted as a federal policy, Gosnell's views on the matter certainly make clear the writing on the wall. The efforts to dismantle sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples' spiritual knowledge/praxis systems would come to be formalized through missionization and the establishment of the Court of Indian Offenses, discussed below.

Gosnell also argued that the sqʷaliʔabs/Nisqually peoples should be removed to the Puyallup Reservation as soon as practicable, noting that the upriver tract was unsuitable for farming, owing to the gravelly outwash prairies and heavily timbered river bottoms which contained sandy, nutrient-poor soil. He found that "the only recommendation which this reservation possesses is that it contains excellent fisheries. The Indians, however, are attached to this place, more from old associations, and its having been the burial ground of their forefathers, than from any advantages that it now or ever will possess over the Puyallup reservation as a place of permanent abode" (UW, WSIA, Microfilm A-12046). Within the burial grounds of the reservation, the body of Leschi was laid to rest shortly after his hanging. "A party of Nisqually Indians, friends of the deceased, borrowed a team and ox wagon from the officer in charge of Fort Steilacoom, and conveyed the dead body to the Nisqually Reservation where it was buried on the side of a lofty eminence on the beautiful grass covered Squally plain and within the sound of the murmuring of the swift running waters of the Squally River" (Huggins, quoted in Carpenter 2002:189-190). This would not be Leschi's final resting place, however, as I discuss below.

The calls for consolidation of peoples under the Treaty of Medicine Creek, and the legislative rendering of their reserved lands as public domain would continue for many years. These calls for consolidation must be understood in light of the fact that, as noted by Commissioner of Indian Affairs Charles Mix, "The principle of recognizing and respecting the usufruct right of the Indians to the lands occupied by them, has not been so strictly adhered to in the Territories of Oregon and Washington" (DOI, ARCIA 1858:7). This lack of recognition of Indian title by Settlers and Territorial officials led to the staking of illegal claims within the boundaries of lands set aside for reservations, as well as illegal claims to unceded lands. Rather

than confirm ʔaciɬtalbixʷ/First Peoples' title to these lands, the majority of agents and federal administrators advocated for the extinguishment of that title and confirmation of illegal Settler claims, simultaneously delegitimizing ʔaciɬtalbixʷ/First Peoples' land tenure systems and providing the sanction of law to the illegal imposition of a Settler colonial geopolitical order.

In his 1858 report, Indian Agent Michael Simmons advocated for the consolidation of the Medicine Creek Tribes, but noted that the people "are superstitious, however, about leaving their old homes, where their fathers are buried, and I do not think they can be prevailed upon to leave Squaksin [sic] and Nisqually" (DOI, ARCIA 1858:226-227). In addition to calls for removal and consolidation, we begin to see around this time calls for the establishment of residential boarding schools where children could be removed from the influence of their families and communities and be compelled to speak English and "live decently" (DOI, ARCIA 1858). "With the demise of the frontier, elimination turned inwards, seeking to penetrate through the tribal surface to the individual Indian below, who was to be co-opted out of the tribe, which would be depleted accordingly, and into White society" (Wolfe 2006:399). Articulating the desires of assimilationists nationwide, Indian Agent Simmons asserted that sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ "are very apt and learn the use of tools readily. They also make good house servants, and I have no hesitation in offering it as my opinion that they can be civilized, not this generation, however, but the coming one" (DOI, ARCIA 1858:225). This positive type of elimination, "in essence, is assimilation's Faustian bargain—have our settler world, but lose your Indigenous soul. Beyond any doubt, this is a kind of death. Assimilationists recognized this very clearly" (Wolfe 2006:397).

Coupled with these ideas for the "proper" education and training of Indigenous peoples are the earliest stirrings of what would become the national policy of allotting lands to tribal

members in severalty. In 1859, in the height of the reservation era, federal policy makers created zones of exclusion in order to "to save from extinction these waning remnants of the aborigines, ameliorate their circumstances, and elevate them, if possible, to the possession of the advantages, comforts, and hopes of a pure civilization" (DOI, ARCIA 1859:384). According to the Settler colonial racist mindset, "roaming unrestrained without a fixed abode, and mainly relying for subsistence on the spontaneous productions of nature, man has never risen high on the intellectual and moral scale" (DOI, ARCIA: 1859:384). It was therefore believed that, were ʔaciɬtalbix$^{w}$/First Peoples to be:

> provided, too, with a fixed home, and with an individual right in the soil from which they will be instructed to derive their subsistence, they will be stimulated to the exercise of a forecast which will save them from becoming the victims of sudden impulses, and create an adaptation to civilized pursuits never to be acquired while the nomadic character is retained [DOI, ARCIA 1859:384].

Through the civilizing magic of private property ownership and forced instruction in agriculture, it was believed that tribalism could be eradicated: "The ideas of separate, or rather private property, and isolation, must form the basis alike of our diplomacy and legislation. Private property in the soil and its products stimulates industry by guarantying [sic] the undisturbed enjoyment of its fruits" (DOI, ARCIA 1860:4). Private property ownership is seen as the only "civilized" and legitimate mode of land tenure, relegating deeply-rooted, ancient ʔaciɬtalbix$^{w}$/First Peoples' communal systems of rights and responsibilities within landscapes to the illegitimate realm of "bare habitance" (Rifkin 2009).

> Reformers recognized that assimilation would have to be spatial project – tribal bonds could only be broken through the breakup of communal land. To the reformers, it was unacceptable and even unethical – 'a disgrace to our land' – that such spaces that could produce and sustain savagery continued to persist in the United States, the country whose civilization was fulfilling the telos of Western history. The continued existence of reservations became a national sin akin to the recently abolished institution of slavery, and reformers were acutely aware that social transformation was coextensive with spatial

> transformation; the action of history alone was no longer sufficient to ensure Native assimilation [Olund 2002:133].

Unsurprisingly, calls for the allotment in severalty of reservation lands, and the sale of "surplus" reservation lands, as provided for in the Treaty of Medicine Creek, become more strident as the agricultural and monetary value of these lands becomes more apparent. "Understood as an internal correlate to removal, allotment exhibits many of the same characteristics. Like removal, it detached Indians from their land, enabling the US government to extinguish tribal title to it" (Wolfe 2011:26).

Under the direction of the second resident Farmer stationed at Nisqually, Daniel Mounts, it is said that the sqʷaliʔabs/Nisqually peoples had "become almost independent, having excellent and well-tilled farms, which they are annually increasing, besides making improvements in the way of building" (DOI, ARCIA 1859:403). In just two short years since being moved from the prison camp on Fox Island to the upriver reservation, the sqʷaliʔabs/Nisqually had magically "become almost independent," according to the agents, meaning that their lands would soon be ripe for allotment and alienation, and that they could soon be absorbed into the Settler population, thereby alleviating the "Indian problem."

> The settler colonial logic of elimination in its crudest frontier form, a violent rejection of all things Indian, was transformed into a paternalistic mode of governmentality which, though still sanctioned by state violence, came to focus on assimilation rather than rejection. Invasion became bureaucratised, a paper-trail of tears that penetrated Indian life in the form of Bureau of Indian Affairs officials rather than the US Cavalry [Wolfe 2011:13].

According to Mounts' account, during the previous year sqʷaliʔabs/Nisqually peoples had taken it upon themselves to begin fencing the entire reservation in an effort to keep the livestock of Settlers from trespassing on the reservation pasture lands. Some of the stock being run on these

prairies belonged to the PSAC whose claim encompassed the eastern two-thirds of the reservation, as well as the vast majority of the sčəgʷaliču/Sequalitchew ancestral landscape.

The PSAC's Muck Station, near the farm where Leschi and Quiemuth had lived, "was the principal station in the agricultural region of the county and it served as headquarters for supplies and workers for the many smaller stations located on the plains which stretched for miles north of the Nisqually River and south of the present site of Tacoma" (Reese 1984a:1). One of the PSAC employees at Muck Station was John Kalama, the Kānaka maoli/Native Hawaiian man mentioned in the previous chapter who had come to the Northwest in 1830 on a trading vessel and worked at Fort Vancouver, and later moved to Fort Nisqually around 1847 as a laborer. "Hawaiians like Kalama were employed at intervals quitting work to get better paying jobs elsewhere or seeking for riches in the gold rushes, but usually coming back to the Company for steady employment" (Reese 1984a:1). The PSAC also employed sqʷaliʔabs/Nisqually people, particularly after the establishment of the reservation. sqʷaliʔabs/Nisqually women "served as garden workers, weeding, hoeing and harvesting and did the actual sheep shearing when all the sheep were herded to Fort Nisqually for that annual rite," while sqʷaliʔabs/Nisqually men often worked as company farmers or herdsmen (Reese 1984a).

While working at Muck Station around the time of the establishment of the upriver reservation, Kalama met and married a young sqʷaliʔabs/Nisqually woman named Mary Martin, daughter of sqʷaliʔabs/Nisqually Chief Indian Martin who was the headman of the "Big Long Smokehouse" on the banks of Muck Creek (Kalama Chamber of Commerce n.d.). Marriages between local peoples and outsiders were very desirable, as "intercommunity marriages could ease tensions, expand families' resources, and enhance status" (Harmon 1998:30). In fact, John Kalama himself appears to have been a member of a Kānaka maoli/Indigenous Hawaiian royal

lineage.[76] A marriage between a sqʷaliʔabs/Nisqually woman belonging to a chiefly lineage and a Kānaka maoli/Indigenous Hawaiian man, whether royalty or not, would have been held in great esteem and testifies to the high status of those peoples ancestral to and descendant from the Martin/Kalama union. Mary Martin and John Kalama were blessed with a single child, a son they named Peter, in 1860 or 1861. Peter Kalama, along with a number of young sqʷaliʔabs/Nisqually and other Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples, would soon be subjected to the ethnocide of the boarding school era, for it was becoming a more prevalent belief that, "The only way to succeed with an Indian child is by taking them entirely away from their parents and not allow the influences of their savage home to counteract those of the school room" (DOI, ARCIA 1861:283). The predicted outcome for these educational and agricultural training efforts was that they would "place the Nisquallies now upon this reserve far in advance of any Indians now enjoying the protection of our government" (DOI, ARCIA 1860:204). Through this advancement, it was envisioned that the time would arrive "when the *peculiar* relations existing between them and the federal government may cease, without detriment to their interests or those of the community or State in which they are located," and the sqʷaliʔabs/Nisqually people could have American citizenship forced upon them (DOI, ARCIA 1862:12; emphasis added). "[S]overeignty instead appears as a mutable figure that enables [Indigenous] occupancy to be portrayed as 'peculiar.' Discursively, it bridges the logical and legal chasm between the political autonomy indexed by the treaty system and the depiction of Indigenous populations as domestic subjects" (Rifkin 2009:96-97).

Imposed citizenship for sqʷaliʔabs/Nisqually peoples would come through "civilization," and the tenor of federal assimilationist rhetoric became ever more strident in their advocacy of

[76] In *Kahana: How The Land was Lost* (Stauffer 2004), which I found on Google Books but have not yet been able to afford to purchase, there is a reference to John Kalama as being of royal lineage on page 278, of which only a partial preview is available without purchase.

the transformative properties of private property ownership: "Make them embrace the ideas of self-reliance and individual effort, and as an encouragement of these ideas, the acquisition and ownership of property in severalty" (DOI, ARCIA 1863:6). Rendered as "domestic dependent nations" with judicially recognized rights to internal self-determination within the Settler colonial framework, the remnants of Tribal governance systems:

> constituted an obstacle that frustrated the US government's access to individual Indians. The impediment to assimilating tribes into the body politic was not simply that they were collective groupings, since the United States encompassed other collectivities – in particular, of course, the states themselves but also, from late-century on, corporations. Rather, tribes were inassimilable because they were heteronomously constituted entities whose organising principles were discordant with those that governed the structurally regular institutions of US society, which were uniformly constituted around the centrality of private property […] Indians were the original communist menace [Wolfe 2011:26].

Contrary to allotment provisions in the Treaty of Medicine Creek which provided for the assignment of tracts to each head of household, federal policymakers began to lean toward the practice of making "the allotment of a tract of land to the Indian a special mark of the favor and approbation of his 'Great Father,' on account of his good conduct, his industry and his disposition to abandon the ancient customs of his tribe, and engage in the more rational pursuits of civilization" (DOI, ARCIA 1863:7). Indigenous peoples such as the sqʷaliʔabs/Nisqually were noted by Commissioner of Indian Affairs Dole:

> to seem to form an exception among all peoples whose territories have been overrun and wrested from them by a foreign race; for while it has been found in all other instances that a people thus situated have gradually assimilated and become incorporated with, and, as it were, absorbed by the superior nation, the Indians still adhere to their tribal organizations and pertinaciously maintain their existence as distinct political communities [DOI, ARCIA 1864:3].

sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples were subjected to constant pressure from the resident Indian agents to assimilate and abandon their "heathenish" ways, "all of which practices they promised to abandon as soon as they possibly could,

remarking at the time that it would take some considerable time to effect such a radical change as had been suggested […], as it was disposing of an old heart or mind and adopting a new one" (DOI, ARCIA 1864:61).

The assimilation of sqʷaliʔabs/Nisqually peoples through compulsory education, agricultural instruction, missionization, and allotment cannot be understood outside of the context of Settler colonial land hunger and greed which underpinned the genocide: "The plea of 'manifest destiny' is paramount and the Indian must give way, though it be at the sacrifice of what may be as dear as his life" (DOI, ARCIA 1867:1). In order to help fulfill this purported destiny, Congress enacted the Northern Pacific Railroad [NPRR] Land Grant Act on July 2, 1864 (13 Stat. 66). The Act granted the NPRR Congressional authorization to build a railroad line from Lake Superior to Puget Sound, and the railroad was granted, within Territories, "every alternate section of land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile, on each side of said railroad line" from the "public domain," and a slightly lesser amount of lands adjacent to the line where it ran through established States (13 Stat. 366). Should these sectional lands prove be claimed by Settlers, the NPR was granted "in-lieu lands," within ten miles of the railroad line. The Act also provided that "the United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of said Indians, the Indian titles to all lands falling under the operation of this act and acquired in the donation to the [road] named in this bill" (13 Stat. 366; DOI, ARCIA 1872:75).

It was impermissible for the railroad to "dispossess" Settler colonizers, but the sanction of law was given to the theft of reservation lands, again evidencing the state of exception within which Indigenous peoples are rendered as bare life, and our communal land tenure systems are delegitimized, through the "differentiati[on] [of] those people and places that fall within the

jurisdictional sphere of a given state from those who do not" (Rifkin 2009:93). Calls for the designation of these reservation lands as public domain became wide spread, and the She-nah-num or South Bay Reservation, originally set aside during the Medicine Creek Treaty Council for the sqʷaliʔabs/Nisqually people and apparently never removed from trust status, came to be targeted by speculators. In 1864, Indian Agent Elder recommended "the sale of the land first reserved for the Nisqually Tribe of Indians. It is described in the treaty as a square tract, containing two sections or 1280 acres, on Puget's Sound, near the mouth of the She-naw-num [sic] creek, one mile west of the meridian line of the United States Land Survey" (DOI, ARCIA 1864:61-62).

Over the next several years this call would be urgently repeated as land prices began to escalate with the coming of the railroads to Puget Sound. In his 1867 report to Superintendent McKenney, Indian Agent Elder mentions this reserved "'tract containing two sections or 1,280 acres on Puget Sound, near the mouth of the Shenahnam Creek one mile west of the meridian line of the United States Land Survey.' Some eight or ten Indians live on this reservation. I recommend its sale, and the proceeds applied for the benefit of the treaty" (DOI, ARCIA 1867:39). Elder's recommendation is repeated by McKenney in his own 1867 report to the Commissioner of Indian Affairs: "I would also like to recommend the small reservation, consisting of about two sections on South Bay and designated by that name, be sold for the benefit of the reservation to which it belongs. On this reservation there are no improvements and but three or four Indians" (DOI, ARCIA 1867:33). The number of people reported as living on the reserved tract conveniently diminishes with each mention in the federal records. In the following year's report, Superintendent McKenney again discusses the tract with the Commissioner: "The South Bay Reservation contains 1200 acres of land entirely unoccupied,

and of a poor quality and I repeat the recommendation heretofore made that it be sold for the benefit of the Indians included under the treaty" (DOI, ARCIA 1868:94).

In 1869, Superintendent McKenney reported that "This tract of land is clearly described in the treaty as an Indian reservation. But because there has come to be a prospective value to it, by reason of its proximity to certain proposed railroad improvements, parties have undertaken to appropriate the whole tract by pre-emption, pleading in extenuation that the Indians occupy other lands and are not in possession" (DOI, ARCIA 1869:129). McKenney's successor, Superintendent Samuel Ross wrote extensively of the tract in his report of September 14, 1869:

> When this land was set apart for the Indians, it was supposed to be the most worthless land in this section of the country; but subsequent investigation proved that frontage of this land on Puget Sound has better soundings for a harbor than any other place on the east side of all these inland waters, reaching from Olympia to British Columbia. This land is eight miles distant from Olympia, and now it is discovered that this is the place where that city should have been located. Some believe that the Northern Pacific railroad will have its terminus at that point. There is a project on foot, by California and Oregon capitalists, to build a road from Columbia River to Puget Sound; and that seems to be the only feasible point on Puget Sound for the terminus of such a road. Thus it is that the persons who have entered upon and taken possession of these lands, expecting to gain title under the pre-emption law, or by purchase, imagine themselves the proprietors of a new and great city. The head and front of this movement comes from the *surveyor general's office*. The T.M. Reed, named in the proclamation [which was issued on 30 August], is the chief clerk and businessman of that office. The letter of the late surveyor general, herewith enclosed, may be taken as the "pleadings" of all these parties; and it is asserted that Mr. Garfield will so represent and manage this matter in Washington, while there as a delegate, as to have this land put into market, and the rights of the Indians ignored. It is remarkable, to say the least, that at this time this, of all the Indian reservations in this Territory, should have no record of a plat of survey on file in the surveyor general's office. This land belongs to the Indians by treaty, and I hope that they will not be deprived of it by any indirection. I recommend that the President, under the authority of his high office, to do justice to these poor Indians who have no voice in our courts of law, and under the provisions of the treaty, order this land to be sold for their benefit; and that the proceed be applied in building habitations and purchasing stock for these Indians on the Nisqually and Puyallup reservations. [DOI, ARCIA 1869:137-138; emphasis in original].

The Mr. Garfield to which Superintendent Ross refers did in fact serve as a Territorial delegate to Congress. In February of 1870, Garfield introduced a bill in absentia which provided a grant

of lands to the Puget Sound and Columbia River Railroad Company similar to the grant provided to the NPRR, "granting lands to aid in the construction of a railroad and telegraph line from the Columbia River to Puget Sound" (H.R. 1191, 41st Congress, Second Session). According to the Congressional Globe, the bill was read twice and referred to the Committee on Public Lands (H.R. 1191, 41st Congress, Second Session). While I have been as yet unable to locate any subsequent reference to this bill after it was sent to Committee, there is no longer any mention of the existence of a She-nah-num or South Bay Reservation in the records of the Bureau of Indian Affairs. The people living on this tract do not disappear from the records, however, coming to be referred to as the "South Bay Band" of non-reservation Indians as will be discussed below, and the tract of land itself will again become a landscape of contention.

As the sqʷaliʔabs/Nisqually people were being defrauded of their reserved lands near sxʷdaʔdəb/Medicine Creek, the 4,700 acre upriver reservation, once described as containing "excellent and well-tilled farms," was suddenly being discussed by Indian agents as consisting of:

> 1200 acres of gravelly land fitted only for pasturage. It is placed in charge of an assistant farmer, who can do but little except to take care of the stock, and keep peace among the Indians, minister to the wants to the sick and destitute, and act as general overseer. The small quantity of arable land upon the river bottom is sandy and unproductive, yielding a scanty supply of potatoes and other vegetables. The Indians who are disposed to can obtain a good living by labor among the white settlers, but the most of them prefer to fish and hunt for a living [DOI, ARCIA 1868: 94].

Cries for the disestablishment of the Nisqually and Squaxin Island Reservations and the consolidation of all Tribes party to the Treaty of Medicine Creek on the Puyallup Reservation began to resurface as the price of lands in the Nisqually region began to grow exponentially. Regarding these reservations, Acting Secretary of the Interior Charles Mix asserted in 1867 that "but comparatively few of the Indians, for whom they were intended as a permanent home, have

relocated, and, for the reasons given by the Superintendent, I favor, as he favors, a sale of the land and the transfer of the Indians therefrom to the other reservations already established" (DOI, ARCIA 1867:7). The value of the lands within the Puyallup Reservation, however, would soon outstrip those of any other reservation in the Puget Sound, both as highly productive farmland, and as lands very close to the chosen terminus of the NPRR. Consolidation of ʔaciɬtalbix$^{w}$/First Peoples signatory to the Treaty of Medicine Creek on this reservation would soon become impossible as these lands were eventually stolen from underneath the feet of the Puyallup peoples, as discussed later in this chapter.

During the same period as the theft of the She-nah-num/South Bay Reservation, the Commissioner of Indian Affairs began to advocate for a radical change in the nation's Indian policy. Commissioner Ely Parker opined that arrangements for land cessions with Indigenous nations:

> *should not be of a treaty nature* […] The Indian tribes of the United States are not sovereign nations, capable of making treaties, as none of them have an organized government […] They are held to be the wards of the government, and the only title the law conceded to them to the land they occupy or claim is a mere possessory one […] They have become falsely impressed with the notion of national independence. It is time that this idea should be dispelled, and the government cease the cruel farce of thus dealing with its helpless and ignorant wards [DOI, ARCIA 1869:6; emphasis in original].

The treaty system, while a recognition of Indigenous nationhood which necessitated the negotiation of land cessions, "also seeks to interpellate Native polities into U.S. political discourses, presupposing (and imposing) forms of governance and occupancy that facilitate the cession of land" and legitimating the Doctrine of Discovery through which the Settler colonizer asserts territorial hegemony (Rifkin 2009:96). The tensions between the recognition of Indigenous nationhood through treaties, and the judicial rendering of Tribes as "domestic dependent nations," reveal the zone of indistinction which Tribes occupy. "Dispensing with

treaties, though, does not eliminate such strain or the normative difficulties it creates for validating U.S. authority over Native populations and lands, instead it simply tries to displace the problem of legitimacy which still returns insistently to trouble U.S. legal discourses" (Rifkin 2009:96).

While the era of treaty-making continued for two more years, cries for the reformation of Indian policy at the national level to hasten the absorption of Indigenous peoples who continued to "pertinaciously" maintain our cultural and political integrity intensified. The late 1860s and early 1870s was a period of reformation of federal Indian policy. In 1868, Congress had made an appropriation for the administration of Indian affairs which carried the stipulation that a Board of Commissioners, enabled by the act, would exert joint control over these funds and recommend changes to the system of Indian administration (ARCIA 1869). The Board of Indian Commissioners "indicted the government's past dealings with the tribes, and made recommendations that prefigured many of the major changes in Indian policy (Getches et al. 1998:149). Among the recommendations were allotment of reservation lands in severalty, the abandonment of the treaty system and annuity payments, and the encouragement of the establishment of Christian missions and schools (DOI, ARCIA 1869).

It is fascinating that during this era of increased interest in the assimilation of Indigenous peoples, that there should simultaneously arise calls for the theft of Indigenous cultural patrimony, ostensibly to preserve the "remnants" of culture to which the rapidly "vanishing" Indians "pertinaciously" clung:

> Some years since an application was made to Congress for an appropriation to be placed at the disposal of the Department of Interior, to provide for such expenditures as might be necessary to obtain and preserve in the department such memorials of the Indians, whether portraits, implements of industry or of warfare, specimens of apparel, &c., as would be valuable for preservation […] The Indian race, by what seems to be the law of its existence is fast passing away, and in contact with the White race the tribes are rapidly

> losing their distinctive features, in language, habits and customs &c., A modest appropriation, judiciously expended, would enable the agents, teachers, missionaries and others interested in the various tribes of red men, to collect annually a large and incredibly valuable collection of the memorials referred to [DOI, ARCIA 1865:3-4].

Not only was Indigenous cultural patrimony a target of their theft, our very bodies became a focus of their federally mandated desecrations. In 1865, Surgeon General William A. Hammond issued a directive to federal medical officers which ordered them "diligently collect, and to forward on to the office of the Surgeon General, all specimens of morbid anatomy, surgical or medical, which may be regarded as valuable" where they would be housed in the Army Medical Museum (Hurst Thomas 2000:57). As noted by Senator Daniel Inouye in 1987, under such directives, "Sacred Indian burial grounds were desecrated, recently killed Indians were stripped of their flesh, and their skulls and remains were sent to Washington" (Inouye quoted in Niezen 2000:184). This was the beginning of the "professional" looting of the graves of our ancestors that is central to American archaeology. This desecration of our dead, along with the desecration of our sacred objects and the theft of our cultural patrimony, became increasingly rabid as the myth of the "vanishing Indian" became more thoroughly ensconced within the American imagination.

> 'Settler' literally signifies the displacement of Indigenous peoples. Yet a host of scholarship in Native studies explains that settler subjects normatively recall and perform indigeneity as a history they at once incorporate and transcend, inhabit and defer. Settlers thus are inexplicable apart from their relationality to Indigenous peoples, as well as to forms of indigeneity of their own imagining that undergird settler subjectivity. All this structures how European settlers ever come to represent the West [Morgensen 2011:59].

Our grandmothers and grandfathers were thus rendered as "research materials" about which Settlers were driven to speculate in order to perform their own "indigeneity."

It was also during this period that an experiment was begun in which the positions of Indian Agents and employees began to become filled by men recommended by various Christian

religious organizations in place of the military personnel formerly filling those roles. Washington Superintendent Brevet Colonel Samuel Ross, during his tenure from June 10, 1869 to December 1, 1870 "removed all the agents and subagents and many of the subordinate employees, and filled the vacancies with army officers and veterans of the Civil War" (UW, WSIA Microfilm A-12046). When Ross was replaced by Superintendent McKenney, this policy was reversed and most of Ross' appointees "were displaced by candidates belonging to the Christian ministry or at least acceptable to the churches" (UW, WSIA Microfilm A-12046). The policy of placing reservation-based Indigenous peoples under the administration of Christian agents became formalized when President Grant explained his new "Peace Policy" to Congress in 1870 (Getches et al. 1998). In his Second Annual Message to Congress, delivered on December 5, 1870, Grant stated that, "I entertain the confident hope that the policy now pursued will in a few years bring all the Indians upon reservations, where they will live in houses, and have school houses and churches, and will be pursuing peaceful and self-sustaining avocations" (quoted in Getches et al. 1998:151).

In addition to this executive call for "civilization" through Christianization, agents, superintendents, and the commissioners themselves began to articulate the "necessity of providing some effectual code of laws for the arrest, conviction and punishment of crimes committed by whites against Indians, or Indians against whites, or by Indians against each other, upon reservations, or in regions chiefly inhabited by Indians" (DOI, ARCIA 1866:16). Calls for the Congressional assertion of criminal jurisdiction over Indigenous peoples within reservation lands and the fact that this jurisdiction was not inherent to the system of Indian administration is a clear illustration of how the performance of American sovereignty "grounds the legitimacy of state rule on nothing more than the axiomatic negation of Native peoples' authority to determine

or adjudicate for themselves the normative principles by which they will be governed" (Rifkin 2009:91). These pleas for jurisdiction over sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples were repeated over the next several years, becoming more feverish with the decommissioning of Fort Steilacoom in 1868 and the removal of the Army's presence as a purportedly stabilizing force (DOI, ARCIA 1868).

The Army had been leasing the grounds of Fort Steilacoom for almost two decades from the PSAC whose land claims, inclusive of the eastern two-thirds of the upriver Nisqually Reservation, had yet to be extinguished by the federal government. The year after the Army post at Steilacoom was abandoned, the land claim of the PSAC/HBC was settled by an act of Congress which paid the company $650,000 for the lands which they claimed and the "improvements" that had been made (Reese 1984b). "In August or September, 1870, the government survey of the lands formerly claimed by the Puget Sound Agricultural Company in Pierce County was commenced and completed in November of the same year" (Huggins quoted in Reese 1984b:19). Illegal American land claims within this unceded sqʷaliʔabs/Nisqually territory which had been made under the Pre-Emption Land Act, Homestead Act, and Oregon Donation Land Act, were subsequently confirmed (Welch 1989a). I will return to a discussion of the chain of "ownership" below in addressing the enclosure of the sčəgʷaliču/Sequalitchew ancestral landscape. Lands within the PSAC/HBC claim that had not yet been claimed under these legislative acts of Indigenous dispossession, or set aside as the Nisqually Reservation, were sold at public auction. Recall Article IV of the Treaty of 1846 between the United States and Britain:

> In case, however, the situation of those farms and lands should be considered by the United States to be of *public and political importance*, and the United States government should signify a desire to obtain possession of the whole, or of any part thereof, the

> property so required shall be transferred to the said government, at a proper valuation, to be agreed upon between the parties [9 Stat. 869; emphasis added].

Whether the disposal of these lands through public auction to the highest bidder legally constitutes a matter of "public and political importance" has never, to my knowledge, been adjudicated in the courts.

The reconfiguration of stolen Indigenous sentient homelands as American soil—and as commodity—took place largely through cadastral surveying:

> The practice of 'lawmaking' was an ethical practice that mobilized a violent circuit of description through which the different spaces were mutually imbricated, with the perceived savage violence of Indian Country displaced by the 'legitimate' yet disavowed violence of state sovereignty. As Nicholas Blomley observes in more dialectical terms, 'Because of the stark ethics surrounding violence, legitimizing state violences would seem a necessary project that occurs hand in hand with the delegitimization of violences beyond the state'. Two such descriptive practices that disavowed and thus legitimized the violence of governance were cadastral control and census taking – the capacities to survey, mark and record land and persons [Olund 2002:136].

The 1870 cadastral survey of the former PSAC/HBC claim was undertaken by Deputy Surveyor Thomas Reed: the same Thomas Reed who was intimately involved with the theft of the South Bay/She-nah-num Reservation as noted above in the extensive excerpt from Superintendent Ross' 1869 report (DOI, ARCIA, 1869). I provide the following lengthy excerpt from the General Description from Reed's *Field Notes of the Subdivision and Meander Lines of Township 19 N. R. 1 East, Willamette Mer. W.T.* (1870) describing the sčəg$^{w}$aliču/Sequalitchew ancestral landscape and contiguous lands:

> In this township there is some very valuable land for farming purposes, although the quarter portion like the township lying immediately East is not well adapted for purposes of agriculture. The largest and best body of land of that portion recently surveyed and well adapted for farming lies contiguous to Sequallitchew [sic] Lake, and bordering on the creek of the same name which is the natural outlet to the Lake.
>
> In this vicinity about all the good lands are claimed by pre-emptors and homestead settlers many of whom have resided upon their claims for a number of years. Most of the lands are under fence and a fair proportion is being cultivated. J. O'Neill, O.H. White,

> W.H. Mastine, J. Orr, E. Huggins, Mr. Williamson and others have improved farms in the vicinity of this Lake and its outlet. There are also other small tracts of good land in different portions of the Tp. Mostly claimed by pre-emptors, homestead or donation settlers.
>
> This Tp. Contains about ¾ timber and ¼ prairie lands. The prairies are being rapidly reduced in dimensions by the numerous groves of thrifty young firs, which are springing up magic like, and fast covering the entire face of the prairie. The soil on these prairies is mixed with such a large proportion of gravel, so as to render them almost wholly unfit for farming purposes, but produce fair crops of wild grass and very good for general pasturage.
>
> Fort Nisqually formerly the property of the Hudson Bay or Puget Sound Agricultural Co. is situated in sec 26, in this Tp. The buildings at the Fort are much dilapidated and fast going to decay and many of them but of little value at this time.
>
> At the mouth of Sequallitchew [sic] is also an old station and Ware House of the H.B. Co. in a very much dilapidated condition. Sequallitchew [sic] Creek, in its course passes near Ft. Nisqually from which point its confluence with the tide waters of Puget Sound, the current is quite rapid, having sufficient fall and possessing fine advantages for the use of its water power at several eligible points on its course. A sawmill has for a number of years been situated at the mouth of this creek and almost in continuous operation [Reed Survey 1870:55].

In this excerpt, we are given a window into some of the changes that had been wrought by Settlers within the sčəgʷaliču/Sequalitchew ancestral landscape. One of the most important observations that Reed makes pertains to the "groves of thrifty young firs" that were beginning to encroach on the prairie lands which had, for millennia, been tended by sqʷaliʔabs/Nisqually peoples through the use of anthropogenic burning techniques, as discussed in Chapter 1. The suppression of sqʷaliʔabs/Nisqually burning practices on these prairies was beginning to transform what had always been, and continued to be for a number of years, one of the primary areas for cultivating and harvesting camas and other prairie-dependent foods and medicines. Reducing the availability of traditional foods when, as discussed below, Indian Agents boast of how little money the Department was spending on provisions for sqʷaliʔabs/Nisqually peoples owing to the richness of available indigenous foods, is a genocide intimately intertwined with

ecocide. The observations that Reed makes in regard to the rapid current of sčəgʷaliču/Sequalitchew Creek also provide crucial insights into the historical conditions of the watershed, including evidence pertaining to the inaccuracy of subsequent hydrological and historical studies of the creek upon which, as discussed in later chapters, rationalizations for the industrial exploitation of the sčəgʷaliču/Sequalitchew ancestral landscape rely.

Surveyor Reed also conducted the 1871 through 1873 survey of the upriver Nisqually Reservation which, it had been discovered, had never been surveyed:

> The necessity of an appropriation for the survey of the unsurveyed Indian reservations of this superintendency has been repeatedly urged upon the department. In obedience to the order of the Commissioner, a statement of the surveys required and an estimate of the cost was forwarded more than a year ago, but as yet nothing has been done in that direction; and by reason of ignorance of boundary lines of the reservations, disputes are constantly arising between the Indians and the settlers outside [DOI, ARCIA, 1869:125].

These "disputes" or, more accurately, thefts, were most pronounced on Puyallup Reservation lands, as will be addressed below. As regards the Nisqually Reservation, only a portion of Reed's 1871 survey notes are available from the Bureau of Land Management [BLM] Land Status and Cadastral Records online database. Carpenter (2002) provides a brief excerpt from the "Field Notes" section—the section for which there is a dead link on the BLM site: "West on a true line between sections 24 & 25 variation 2/0 3/r. 6.44 Fence bears N5W and S5E. This fence is claimed by the Indians as the line of the reserve, but it is nearly more than 40 chains on an average east of the surveyed line" (Reed 1871 quoted in Carpenter 2002:189). From the portion of Reed's notes that are available online:

> The trees are all barked, blazed and cut up by the Indians residing along the river in this vicinity that it is utterly impossible to determine the exact position or location of the line. […] The land lying along the river is generally very sandy and but of little value. River bottom generally N and W the bluff coming to the river's edge in some places. Timber: Fir, Maple, Alder and Cottonwood and the general character of the soil very poor being only very gravelly and sandy, a very small portion of the land being suitable for or adapted to purposes of agriculture. Some little good land is found along the Nisqually

> bottoms and in other isolated portions of the township. Some [illegible] of gravelly portions cover a portion of the late survey but it is mostly covered by a dense growth of timber and brush, mostly Fir Oak Hemlock Cedar Maple Alder and Cottonwood are also found in considerable quantities in some portions of the Township. A very few Indians now reside on or even frequent the reserve. They are very peaceable and quiet, and they seem to realize that their glory is fast passing away [Reed 1871:49-50].

This square half mile of land which was "cut off the eastern boundary of the established reservation" just happened to contain the graves of Leschi and Queimuth, as well as the Ross family cemetery (Carpenter 2002:189). I will return to this theft via cadastralization, and the fate of Leschi and Quiemuth's remains, shortly.

Apparent from Reed's description, in addition to the blatant theft of these reserved lands, is the fact that the reservation appears to be completely unsuitable for the purposes of agriculture, and yet the federal push for assimilation through allotment in severalty and forced instruction in Euroamerican farming methods mandated that the sqʷaliʔabs/Nisqually peoples be able to support themselves through farming. Reed's notes also speak to the fact that there were not many sqʷaliʔabs/Nisqually families on the reservation at the time of his survey. It being July, it is very likely that many people were out procuring foods, medicines, and the necessities of life as they had done in the summer time since time immemorial. Recall that Reed was involved in the theft of the She-nah-num/South Bay Reservation, and that his observations regarding the lack of sqʷaliʔabs/Nisqually presence fit neatly with the repeated calls by agents, superintendents, and commissioners of Indian affairs, for the disestablishment of the Nisqually Reservation and the moving of sqʷaliʔabs/Nisqually peoples to the Puyallup Reservation, then under siege by Settlers.

One figure who was noticeably absent during Reed's erroneous survey is an Indian Agent or other federal employee who was supposed to be residing on the reservation. In fact, there were no government employees living at Nisqually from 1871 onward, although they were occasionally visited over the years by such men who administered the reservation and the

sqʷaliʔabs/Nisqually peoples from afar. As testified to by Chehalis Elder Mary Heck, "She says the agents used to come here and just visit one another and get a big salary from the Government, but they never helped the Indian nothing" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348: 537). The lack of a government employee presence, in combination with the fact that the Washington Superintendency "was terminated by the failure of Congress to appropriate funds for its support" in June of 1874, "after which date the agents of the former Superintendency were to conduct their business directly with the Office of Indian Affairs" hampers my ability to provide a clear picture, even through the eyes of the hegemon, of what life was like for sqʷaliʔabs/Nisqually peoples living on the reservation for long periods of time (UW, WSIA, Microfilm A-12046). When we also consider the fact that there is a noticeable "absence of copies of letters sent during nearly twelve years of the twenty-one years of the Superintendency," and that many of the Superintendents may have "regarded the copies of their letters sent as personal property, which they retained upon going out of office," it can be understood just how vulnerable to land depredations and other acts of genocide the sqʷaliʔabs/Nisqually people were during this time period (UW, WSIA, Microfilm A-12046).

We can see the general tenor of federal Indian policy, and are provided brief glimpses of life on the reservation, in the reports of the last of the Superintendents, R.H. Milroy who, after his tenure as Superintendent was appointed as Indian Agent in 1876. Milroy is the first Indian Agent to speak openly about the fact that the sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples party to the Treaty of Medicine Creek had been paid far less money for their "ceded" lands than the lands were actually worth at the time. Milroy also noted that the treaty annuities were going to cease in 1874 and that the Tribes under Medicine Creek had:

> nothing to show for it, and their chiefs and head-men, at the late general council held with them, complained to me that but a small portion of the money and goods promised them

> by the treaty has been received by their people, and requested me to write to Washington giving information about this matter, and try to have the Government pay as promised. They mentioned a number of the promises that were made at the time which they understood were in the written treaty, but were not [DOI, ARCIA 1872:337].

Milroy's comments corroborate the evidence provided by Elders in their depositions under *Duwamish et al.* (1927) discussed earlier in this chapter. In (now) Agent Milroy's 1876 and 1877 annual reports, we also see the return of confusion regarding the status, even the existence, of the She-nah-num/South Bay Reservation tract. In transmitting his 1876 report, Milroy opened by stating "I have the honor to submit the following as my first annual report as United States Indian agent for the six reservations and the different tribes and bands belonging to this agency" (DOI, ARCIA 1876:136). In the report he submitted the following year, Milroy states that "At the writing of my last annual report I supposed it to contain six, but it seems that in this supposition I differed with those above me in authority. This is a matter of too much importance to be left in doubt" (DOI, ARCIA 1877:189). Milroy having been in charge of the Washington Superintendency for a number of years prior to being appointed as Indian Agent would surely not have been as confused as an Indian Agent new to the Territory. Yet to my knowledge, these doubts have remained up through the present day, for I have not as yet located any more reference to this "discrepancy" in the number of reservations being administered under the Treaty of Medicine Creek. We do, however, find references to people living on the lands comprising the stolen reservation. In his 1879 report, Agent Milroy briefly notes the "South Bay Band, consisting of thirty Indians, men, women and children, and situated on South Bay of Puget Sound six miles northeast of Olympia" (DOI, ARCIA 1879:148). References to the South Bay Band can be found in reports up until 1883 when, with the appointment of Edwin Eells as Agent for the newly formed Nisqually and Skokomish Agency, they disappear from federal records (DOI, ARCIA 1883).

In the reports of Agents appointed to oversee the Nisqually Reservation from their offices at Puyallup, we see also repeated calls for the allotment of Medicine Creek Treaty reservations in severalty, purportedly being requested by the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples themselves. The Puyallup Reservation was surveyed and allotted to individual tribal members in 1874, and the Nisqually Reservation in 1878, but allottees did not receive their titles immediately (DOI, ARCIA 1874). The agents were rabid for the confirmation of these allotments by Congress, and for the alienation of any lands deemed "surplus" after tracts had been assigned to individual tribal members: "Some of these reservations contain bodies of as good agricultural land as can be found in the Territory, and white settlers here and coming into the Territory justly complain that such large bodies of rich, unoccupied land are withheld from them, and not used by the Indians" (DOI, ARCIA 1876:138). Paired with these pleas for allotment are repeated recommendations for the consolidation of ʔaciɬtalbixʷ/First Peoples on a smaller number of reservations, thereby freeing up more of the reserved tribal land base for American settlement and capitalist exploitation.

In addition to these calls for allotment and consolidation, there is constant mention of the "need" to impose citizenship on sovereign Indigenous peoples at the earliest opportunity so that they could be absorbed into the American body politic, thereby solving the "Indian problem." This "problem" consists of the tensions that arise from the relegation of Tribes to the status of domestic dependent nations both within and outside of the juridical order. The forced enfranchisement of Indigenous peoples and the concomitant rescripting of our political identities were seen as the only ways to make invisible the untenable injustices of ongoing Settler colonialism. While awaiting this compulsory pseudo-enfranchisement, federal Indian administrators recommended that the jurisdiction of the federal courts be extended onto

reservation lands (ARCIA 1878). In an effort to impose some form of a Euroamerican regulatory framework on reservation lands, Congress enacted legislation on May 27, 1878 creating the Indian Police (20 Stat. L. 86):

> The Indian police are fully recognized as an important agency in the civilization of their brethren […] It is a power independent of the chiefs. It weakens and will finally destroy the power of tribes and bands. It fosters a spirit of personal responsibility. It makes the Indian himself the representative of the power and majesty of the Government of the United States [DOI, ARCIA 1878:XVII-XVIII].

In the creation of the Indian Police, we see how the persecution of Indigenous peoples ensured by "the global expansion of capitalism through colonization and Christianization," and "planted in the body of colonized societies," came to be carried out in large part, from this point forward, "by the subjugated communities in their own names and against their own members" (Federici 2004:237).

In these reports from the 1870s and 1880s, we also see calls for the establishment of residential boarding schools, for the children of the signatories to the Medicine Creek Treaty were said to be "growing up in the native barbarism of their parents," as even those who attended school were still allowed to interact with their families (DOI, ARCIA 1874:327). Excerpts from the 1881 Annual Report of the Commissioner of Indian Affairs are revealing. After allotment in severalty, Commissioner Price felt that Indigenous allottees should be given assistance for one year:

> and then *compel* him to depend upon his own exertions for a livelihood. The Indian must be made to understand that if he expects to live and prosper in this country, he must learn the *English language, and learn to work*. […] He must be compelled to adopt the English language, must be so places that attendance at school shall be regular, and that vacations shall not be periods of retrogression, and must breathe the atmosphere of a civilized instead of a barbarous or semi-barbarous community. Therefore, youth chosen for their intelligence, force of character, and soundness of constitution are sent […] to acquire the discipline and training which, on their return, shall serve as a leverage for the uplifting of their people [DOI, ARCIA 1881:v, xxxiv; emphasis in original].

Federal and private Christian Indian boarding schools were the grounds within which both the state and the church attempted to "transform the individual's power into labor power" (Federici 2004:133). In 1880, an off-reservation boarding school, one of the first three in the nation, was opened in Forest Grove, Oregon, which would later be relocated and renamed the Salem Indian Industrial School and, subsequently, the Harrison Institute, and after this the Chemawa Indian Training School. In its first two years of operation, Forest Grove was the home of forty-eight boys and twenty-eight girls of widely varying ages. Out of these seventy students, only one was from Nisqually: Peter Kalama, the only son of John Kalama and Mary Martin who had been born in 1860 or 1861.

Formal federal Indian boarding school policies guiding the pedagogy at schools such as the one at Forest Grove arose from:

> [A]n assemblage of ideas that had been applied to a few tribes much earlier, the replacement of tribal identification by identification with race and American citizenship, of communal landholdings by individual homesteads and private property, of Native languages by English, and of the Great Mystery by Christianity—came to the forefront of Indian reform. Behind this policy was a commitment to 'education' as the vehicle for the complete cultural transformation of the Indian [Lindsey 1995: 12].

Through carefully selected curriculum, forced English language instruction, manual labor training, Christian proselytizing, and physical punishment and numerous forms of abuse, the federal Indian education philosophy is crystallized Colonel Richard Pratt's[77] phrase, "Kill the Indian, save the man." Pratt's famous phrase is perhaps one of the most cogent statements of the positive manifestation of the logic of elimination. "While the erasure and replacement of Indigenous peoples may transpire through deadly violence, […] elimination may follow efforts not to destroy but to produce life, as in methods to amalgamate Indigenous peoples, cultures and lands into the body of the settler nation" (Morgensen 2011:56). The eradication of tribalism

[77] Pratt was the founder of the Carlisle Indian School in Carlisle, Pennsylvania (Adams 1995).

through individualization and private property ownership underpinned the choice of curriculum and methods of instruction:

> Education should facilitate individualization in two ways. First, it should teach young Indians how to work. More specifically, it could teach them a host of practical skills and trades that would prepare them for the reality of their changed existence. This meant, in the words of one educator, teaching "the Indian boy to till the soil, shove the plane, strike the anvil, and drive the peg, and the Indian girl to do the work of a good and skillful housewife." A school superintendent among the Sioux agreed, noting that "the theory of cramming the Indian youth with text-book knowledge alone has been and always will be a failure. The best education for the aborigines of our country is that which inspires them to become *producers instead of remaining consumers* [Adams 1995:22; emphasis added].

What is clear from this passage is the desire to use Indigenous education as a tool for the creation of an exploitable labor force heretofore inaccessible to the machinations of capitalists.

In his in his study of the experiences of Indigenous students at Hampton Indian Industrial School, Abraham Makofsky describes the psychological underpinnings typical of reform movements within societies that contain "interior minorities"[78]:

> The main diagnosis here is that the ways of non-modern peoples are not suitable for the technology and the high productive capacity that industrialization can bring. Therefore, changes are needed in minority ways of thinking, normative behavior and perhaps the full range of their economic, political and social institutions. Essentially, the perspective holds that there is minority culture lag which will need to be overcome. This is perceived as the task of the majority […] An alternative guide to understanding the web of interrelationships is the hypothesis of 'internal colonialism.' This orientation holds that, in a politically and economically stratified society, the dominant group will force minorities into inferior economic and political roles. Moreover, if the quintessential feature of the minority is racial or ethnic, and with their own distinctive cultural ways, the elite group will try to obliterate the unique traditions of the subordinated communities [Makofsky 1989: 31-32].

This attempt towards obliteration was often supported by the use of physical punishment, the employment of older students as disciplinarians, and sexual abuse. "With ethnocidal intent, the boarding schools attempted to eradicate indigenous languages, cultural expression, and AIAN [American Indian/Alaska Native] spirituality. By the early 1900s, more than 25 of these schools

[78] I do take issue with Makofsky's erroneous perception of sovereign Tribal Nations as minorities, but his description of the psychology of reform is quite useful in all other respects.

were still in operation nationwide, with continued reports of extensive physical and sexual abuse of students" (Walters and Simoni 2009:S72). The devastation caused by these violences is compounded by the forcible removal of Indigenous children from their homes at young ages critical to the understanding and development of healthy family dynamics. This curtailment of the experience of healthy and culturally congruent parenting knowledge has had devastating intergenerational impacts on the interpersonal dynamics of Indigenous individuals, families, communities, and nations. The violence of the boarding school era, in addition to the violence of genocide and dispossession, has contributed to the "cumulative psychological and emotional wounding across generations" that is historical trauma (Brave Heart quoted in Deschenie 2006:8).

Peter Kalama, however, was a resilient young man, taking advantage of the assimilative training he received in farming, carpentry and other manual forms of labor, as well as instruction in the English language, writing, public speaking and, towards the end of his stay at Forest Grove, advanced studies in physiology and physical geography (DOI, ARCIA 1884). Forest Grove was moved to just outside of Salem, Oregon and renamed the Salem Indian Industrial School around the time of Peter's graduation on July 29, 1885 at age 24 (Bureau of Indian Education, "Chemawa Indian Industrial School Class Lists"). Peter took a paid position as "disciplinarian" at the Salem School for one month, and then accepted a position as a teacher at the Yakama Agency, where he worked and lived until 1887 (DOI, ARCIA 1886; Yelm History Project 2010e). In 1887, Peter met and married a woman named Lillie Pitt who was enrolled on the Warm Springs Indian Reservation in Oregon, having eight children with her[79] up through 1908 (RootsWeb "Peter Kalama"; salətˀuṗkʷ Leonard Squally, personal communication 2012).

[79] Their children are listed as: Oliver, Mary, Naomi, Francis, Esther, Henry, Irene, and Gilbert Kalama (RootsWeb "Peter Kalama").

After this time it appears that both remarried, Lillie remaining at Warm Springs and Peter returning to the Nisqually Reservation, as discussed below, using his education to fight for the rights of his people and becoming an esteemed tribal leader following in the footsteps of the Hereditary Chiefs and from whom he descends.

While Peter Kalama was away from his family on the Nisqually Reservation, many changes were taking place. In May of 1882, the Puyallup Agency was abolished, and Indian Agent Edwin Eells, who had served at Skokomish since 1871, took over the administration of sqʷaliʔabs/Nisqually life as the Indian Agent for the new Puyallup Consolidated Agency, which included the tribes under the Treaties of Medicine Creek, Point No Point, and Point Elliot (Castile 1981). During this transition, a reservation boarding school began operating on the Puyallup Reservation for children under the Medicine Creek Treaty. As in all such schools, children were instructed in manual labor and ordered to speak English only: "This order stirred up the Indians considerably, being somewhat encouraged by outside parties to look upon the order as an act of oppression" (DOI, ARCIA 1882:164). In its very first year, the school at Puyallup experienced what the head of the school termed a "smallpox panic" (DOI, ARCIA 1882). A number of parents removed their children from the school during the "panic" and brought them home, only to be arrested and fined by the Indian Police, members of their own nations, for flouting the federal government's edicts for compulsory Indian education (DOI, ARCIA 1882).

The following year, the Indian Police became more formalized with the promulgation of rules for Courts of Indian Offenses:

> These rules prohibit the sun-dance, scalp-dance and war-dance, polygamy, theft, &c., provide for the organization at each agency of a tribunal composed of Indians empowered to try all cases of infraction of the rules […] There is no good reason why an Indian should be permitted to indulge in practices which are alike repugnant to common decency

> and morality, and the preservation of good order on the reservations demands that some measures should be taken to discourage and, if possible, put a stop to the demoralizing influence of heathenish rights [DOI, ARCIA 1883:xv].

While Indigenous spiritual knowledges and practices "repugnant to common decency and morality" were criminalized, it is more than a little ironic that Settler practices "repugnant to common decency and morality" were applauded and even given the sanction of law. In 1879, a schoolteacher named Hillman F. Jones visited with former HBC factor Edward Huggins and his wife and son, and visited the grave of Chief Leschi:

> Will Huggins and myself had been schoolmates and chums at the Old Territorial University at Seattle. Those were the good old days […] Mr. Huggins showed Will and myself [Leschi's] burial mound and later on during the summer of 1879 on a Sunday we opened up the mound very carefully and ascertained the facts […] Leschi was hung with a rope 5/8 inches in diameter and about 2 ½ feet were left on the body when he was cut down. He had a white silk handkerchief around lower neck and chest and a large black silk handkerchief was over his head and face. Buried in the box with his body was a nest of tin vessels, beginning with the about the size of a 50-cent piece in diameter…Leschi's hair was cole [sic] black and about three feet long. He was buried as the custom of the Indians above ground and between the Old Nisqually Barracks and the Nisqually River on a mound surrounded by trees […] We very carefully replaced everything as we found it and left the mound so that none could tell that it had ever been disturbed [Jones quoted in Carpenter 2002:215-216].

The desecration of Indigenous human remains, in addition to being a profoundly traumatic and violent genocidal act, was, during this time, "intimately associated with the nation's future manhood, with the Indian's earth serving as a medium of lineage," and we can see evidence of this creation of a shared American male identity in Jones' references to his schoolmates, chums, and the good old days, as well as in the composition of his party of grave diggers (Hinsley 1996:189). Jones "displays his 'Indianness,' and thus his essential Americanness, by digging beneath the surface of the present to expose the Indian past, and show off the result to equally boyish admirers" (Hinsley 1996:187). It seems to be a symptom of Settler colonial psychosis that Settlers feel the need to desecrate the final resting places of Indigenous ancestors in order to

justify their illegal assertions of territorial and political hegemony, purportedly enabling them to claim some sort of "Americanness" through the dehumanization of Indigenous peoples and the assertion of colonial "sovereignty" over our very bones.

The desecration of Leschi's grave occurred on the portion of the Nisqually Reservation which had been excised from the tribal landbase through Thomas Reed's erroneous 1871 survey as previously discussed. Reed had not just surveyed the exterior boundaries of the reservation, but had also surveyed into allotments the lands within (Carpenter 2002). When Edwin Eells took over as Indian Agent supervising the sqʷaliʔabs/Nisqually, he found that, "On the reservations belonging to the Nisqually subagency the allotments have generally been made but there is but little record of them in the office, and there is need of much labor to get such records as are needed arranged" (DOI, ARCIA 1883:149). In 1884, Eells had the Nisqually Reservation internally re-surveyed and re-allotted, with thirty tribal members taking allotments that first year, and an additional twenty-six choosing tracts during the following year, patents being issued and recorded in the auditors' offices of Pierce and Thurston Counties (DOI, ARCIA 1885). The national policy of allotment in severalty had not yet been enacted by Congress and, therefore, the restrictions on leasing and alienation contained within the Nisqually allotment patents were tied to stipulations in the Treaty of Medicine Creek rather than to the General Allotment [Dawes] Act of 1887.[80] "Their land is inalienable until this Territory becomes a State, when the legislature, *with the consent of Congress*, can remove the restrictions, and it becomes title in fee simple" (DOI, ARCIA 1889:286; emphasis added). The sqʷaliʔabs/Nisqually who had taken allotments were immediately "legally" transformed into citizens of the United States and Washington

[80] Within the General Allotment Act of 1887 are provisions pertaining to the bestowal of citizenship upon all Indians who received allotments, and the restriction of sales of and encumbrances on allotted lands for a 25-year trust period in which the federal government maintained fee title in trust for individual allottees (24 Stat. 388, ch. 119, 25 USCA 331).

Territory with the acceptance of their patents. "All the reservation Indians belonging to this agency are no longer wards of the Governments, but free-born sovereigns of their Native land. With them the Indian problem has been solved, and they have passed through the different stages of development to full-grown manhood" (DOI, ARCIA 1887:215). Through the "gift" of citizenship via allotment, Settlers attempted to create "a new moral geography for Native Americans, one that would produce equal American citizens deserving of rights. This colonizing production of space as ontologically different, *as space that racializes*, was a product of a legal order seemingly dependent upon the certainty of representation encountering peoples who were radically other to 'civilized' American society" (Olund 2002:147; emphasis in original).

At the federal level, the decades long calls for the extension of the jurisdiction of the federal courts onto reservation lands was finally answered during this era. In 1883, the U.S. Supreme Court ruled on the case *Ex Parte Crow Dog* (109 U.S. 556, 3 S.Ct. 396, 27 L.Ed. 1030 (1883)) concerning the murder of Spotted Tail, a man of the Brule Sioux Nation by Crow Dog, as the murder had occurred within "Indian country."[81] As there were as yet no laws governing Indian on Indian crime on the reservations, it was found that Crow Dog did not come under the jurisdiction of the Territorial or federal courts because there had not been express Congressional action taken to abrogate the treaty to which the Brule Sioux were signatories. Crow Dog was found to be subject only to the justice meted out by his own people. Predictably, the ruling led to increased calls for jurisdiction on reservations. "Indian Country, created through law, became the very condition for a double negation of law – the law that created such a savage space had to be negated while that space necessitated law that would individuate its inhabitants" (Olund 2002:142).

[81] There are multiple definitions of "Indian Country" within federal legislation and jurisprudence. In *Ex Parte Crow Dog*, the crime took place within the boundaries of a reservation.

Enfolded within an extensive Indian Appropriations Bill for 1885, Congress enacted the Major Crimes Act (18 U.S.C.A. sec. 1153).

> Major Crimes reinscribed Indian Country as juridical space by interposing law between Native persons and their communities, the law cathecting the authority of community in defining right and wrong, mediating conflict and prescribing punishment, with the ultimate goal of substituting the universal, liberal legal subject for a more explicitly situated Native subject. This was a displacement of emphasis from the persons involved in crime and the restoration of community harmony to definitions of conduct on its own. For the civilizing mission to succeed, for Indians to become individuals, their actions had to be describable and actionable in legal terms, their rights and responsibilities as (future) American citizens made known to them [Olund 2002:134].

The constitutionality of the Major Crimes Act was subsequently adjudicated in *United States v. Kagama* (118 U.S. 375, 6 S.Ct. 1109, 30 L.Ed.228 (1885):

> It seems to us that this [act] is within the competency of Congress. These Indian tribes *are* the wards of our nation. They are communities *dependent* on the United States. Dependent largely for their daily food. Dependent for their political rights. They know no allegiance to the States, and receive from them no protection […] From their very weakness and helplessness, so largely due to the course of dealing of the Federal Government with them and the treaties in which it has been promised, there arises the duty of protection, and with it the power. This has always been recognized by the Executive and by Congress, and by this court, whenever the question has arisen [emphasis in original].

*U.S. v Kagama* is one of the most important and damaging federal Indian law cases ever decided by the Supreme Court. Not only did it erroneously confirm the constitutionality of the Major Crimes Act, but within its racially denigrating language it draws from Justice John Marshall's articulations of the guardian/ward relationship between the Tribes and the federal government to fabricate the legal fiction of the plenary power of Congress to regulate Indian affairs, and to "justify the unilateral imposition of federal criminal law on tribes […] Despite its nineteenth-century racist language and antiquated notions of Indian racial and political inferiority, *Kagama* is still regarded as a leading precedent in the Supreme Court's Indian law [Williams 2005:xx-xxi].

This leading precedent also relies upon "the jurisdictional imaginary of the United States," the operation of which "is made possible only by *localizing* Native peoples, in the sense of circumscribing their political power/status and portraying Indian policy as an aberration divorced from the principles as play in the rest of U.S. law, and that process of exception quite literally opens the space for a legal geography predicated on the territorial coherence of the nation" (Rifkin 2009:97). It is important to note that the territorial coherence of the nation, manufactured in *Kagama* and in countless other Supreme Court articulations within federal Indian law cases, often comes down to the assertion of federalism over states' rights with regard to exercising the power to delimit and delegitimize Indigenous land tenure. Agent Eells, however, was less than certain about the application by federal agents of laws pertaining specifically to Indians within reservations under his charge because, "it is doubtful to what extent our authority extends over American citizens even if on a reservation" (DOI, ARCIA 1889:286).

Specifically as to Nisqually, Eells states that "They have their own tribunals, make and execute their own laws, and manage their own affairs quite independently. About once in 3 months the agent visits them and gives such advice, encouragement, and assistance as they need. They, as well as all the Indians of this agency, are self-supporting" (DOI, ARCIA 1885:193). It never seems to occur to Eells, or to any other Indian agent or government employee commenting on life on the Nisqually Reservation, that the sqʷaliʔabs/Nisqually people had taught themselves how to survive these radical changes to their social organization and subsistence practices, as there had been a minimal government presence on the reservation since its founding. One reason for sqʷaliʔabs/Nisqually resilience during this time was undoubtedly the founding and growth of the Indian Shaker Church. In November of 1882, a Sahewamish man named John Slocum is said to have died and, as he later related to Judge James Wickersham:

> All at once I saw a shining light—great light—trying my soul. I looked and saw my body had no soul—looked at my own body—it was dead.... Angels told me to look back and see my body. I did, and saw it lying down. When I saw it, it was pretty poor. My soul left my body and went up to [the] judgment place of God." Soon after "returning" to his body, Slocum created what would become the Indian Shaker Church (ISC) [Ruby and Brown 1996:3].

While unquestionably a form of syncretism between the ancient teachings arising from the ʔaciɬtalbix$^{w}$/First Peoples landscape and Christianity, rather than serving as an entirely erosive force the Indian Shaker Church helped to insure that these ancient teachings survived the onslaught of missionization and assimilation (sm3tcoom Delbert Miller, personal communication 2004). When Canada outlawed potlatching through laws enacted in 1884 and 1885, it hindered the perpetuation of these teachings and practices for ʔaciɬtalbix$^{w}$/First Peoples below the international Settler colonial border that had been created in 1846, owing to the depth and complexity of intervillage ties which bind ʔaciɬtalbix$^{w}$/First Peoples together throughout the entire Pacific Northwest of North America (Niezen 2000). The Indian Shaker Church founded by Puget Sound ʔaciɬtalbix$^{w}$/First Peoples provided a venue for spiritual practice unrestricted by the Courts of Indian Offenses or the potlatch laws, in which people could find comfort, solace, community, and healing.

Another reason for sq$^{w}$aliʔabs/Nisqually survival and resilience during this time was the incredible bounty of their traditional fisheries and hunting areas. Squaxin Island Elder Johnny Scalopine recalled that “Governor Stevens promised the right to fish, hunt deer, bear, grouse, ducks, we have that for our own food; that we will still be hunting after we give up the rest of the land to the whites, that we will have that privilege” (UW, USCC *Duwamish et al. v. United States* (1927), Microfilm A-7348:220). While largely left alone while fishing within the boundaries of their reservations, sq$^{w}$aliʔabs/Nisqually and other ʔaciɬtalbix$^{w}$/First Peoples began to have their inherent rights to subsistence, protected by treaty, come under assault by the

Territorial, and later State, legislature and by private citizens when fishing, hunting, or gathering outside of reservation boundaries. With the imposition of American and Territorial citizenship on ʔaciɬtalbix$^{w}$/First Peoples allottees, illegal assertions of Territorial, and later State, jurisdiction over treaty-protected inherent rights became far more aggressive. Additionally, the fisheries and hunting areas were being appropriated and overexploited by invading Settlers whose unsustainable harvesting techniques were causing the fisheries and game herds to enter their long decline. As observed by Chehalis Elder Marion Davis "The white people; they got the nets and get all the fish […] The game—they run hound and scare it all; kill all the deers and bears, and so on. Now they pretty near got them all gone" (UW, USCC, *Duwamish et al. v. United States* (1927), Microfilm A-7348:546).

In addition to the devastation being wrought to the fisheries and game animals through Settler overharvesting, the transformation of the prairies due to the prohibition of anthropogenic burning practices accelerated exponentially. Former HBC Factor Edward Huggins had become an American citizen and filed for a donation claim within the former HBC/PSAC land claim within the sčəg$^{w}$aliču/Sequalitchew ancestral landscape (Reese 1984b). Over the years since filing his claim, Huggins had purchased almost one thousand acres of contiguous lands from other illegal Settlers. "Through this land, the route selected for the projected lines of the Great Northern and Pacific railroads extends for a distance of one mile. The Great Northern (Olympia and Gray's Harbor) is already operating contiguous to the property" (Hines 1893 quoted in Reese 1984b: n.p.). Huggins noted in 1892:

> For the past eight or ten years, I have frequently ridden across the country between Tacoma and the 'Squally River and with sorrow noticed the arid appearance of the plains. Where, in my early days was exhibited a luxuriant growth of the most nutritious, in my opinion, of all grasses, the "blue" bunch grass, indigenous to the country, and especially this portion west of the mountains, there is now a changeable or short lived growth of very inferior grass and weeds, which is very fugitive in character, coming early in the

> spring, maturing very early, and disappearing almost entirely in latter months of summer […] I recollect that as late as 1860 the grass in the Elk Plain, Walla Walla plain (Montgomery's), South Muck, Puyallup, Sastuc, Tlithlow, Red Pines, (P. Goodwin), and 'Squally plains were covered with a thick sward of the native blue bunch-grass which entirely covered the ground, and in the fall of 1855-56 and '57 when the Indian war was pending I have seen the grass on almost all of these plains, having ripened its seed, waving in the breeze like a field of grain […] 'twas a glorious grass, and I have seen as late as 1864 thousands of acres of it, so thick as to form a perfect mat of luxuriant vegetation the undergrowth and most valuable part of which was at least six or eight inches in height. I think this old grass can still be seen growing vigorously within enclosed pastures on Grand Prairie in Chehalis country [Huggins quoted in Reese 1984b:3-11].

While Huggins attributes the degradation of the prairies to the fact that the HBC was no longer using them for sheep pasturage, it is certainly not the only cause as the HBC had stopped running stock in 1869, twenty-three years before Huggins penned his observations. The criminalization of sqʷaliʔabs/Nisqually anthropogenic burning practices without question were at least as, if not more, important to this transformation through invasion of nonindigenous flora.

Even had the sqʷaliʔabs/Nisqually peoples been permitted to continue their anthropogenic burning of the prairies, the enclosure of the greater sčəgʷaliču/Sequalitchew ancestral village landscape within the illegal claims of American settlers hindered the perpetuation of sqʷaliʔabs/Nisqually relationships with, and responsibilities to, the beings who inhabit this landscape. As noted in the previous chapter, the first invading American Settler within sčəgʷaliču/Sequalitchew, aside from military personnel, was Thomas Glasgow, who squatted on the lands at the mouth of sčəgʷaliču/Sequalitchew Creek and constructed a sawmill on top of sqʷaliʔabs/Nisqually burials before leaving the area. Glasgow's 157.3 acre claim was occupied by Levant and Susannah Thompson in 1853 under the Oregon Donation Land Act (Welch 1989a). The Thompsons sold their claim to Lafayette Balch in 1859, although on maps up through 2006, the "L.F. Thompson D.L.C." is denoted, comprising an oddly shaped cadastral

section, numbered 39,[82] within Township 19 N range 01E, overlapping sections 22 and 23. This tract was sold to Frank and Elizabeth Clark in 1863, and then to John and Leila Packard in 1864, and once again to Thomas Magillon in 1865 (Welch 1989a). A portion of Section 23 had claimed by Martin Gimel before 1870 and immediately to its west was a 110.95 acre tract claimed by the Mohrbacker family (Welch and Daugherty 1990). Just north of these two claims in Section 14 was a donation claim originally registered to Louis Latour on which his daughter Rose and her husband Henry Andrews settled in 1881 (Welch and Daugherty 1990).

In addition to claims under the Oregon Donation Land Act, claims were made within the sčəgʷaliču/Sequalitchew ancestral village landscape under the Preemption Land Act (1841), including that of Nancy and James Orr who invaded unceded sqʷaliʔabs/Nisqually territory in 1869 and sold their stolen tract to Isaac Spray in 1904. Another preemption claimant within sčəgʷaliču/Sequalitchew was Warren Gove who claimed a portion of Section 26 in 1871 and immediately sold part of the tract to William and Jenny Young. In 1874, former HBC factor Edward Huggins who, as noted above, had made a donation claim, purchased the land claimed by Gove and the Youngs, adding to his extensive holdings. An additional preemption claimant, Henry Williamson, usurped lands within Section 25 in 1868, selling the 160-acre tract to H.B. and Ellen Manchester in 1877, who soon sold the tract to a woman named Louisa Goodtime (Welch 1989a). After Thomas Reed's 1870 survey of the former HBC/PSAC holdings, "other settlers purchased land directly from the U.S. Government under U.S. Patents or from private landowners" (Welch 1989a:2.62). American Helmsley Harrington purchased lands in Section 26 from John O'Neil, Frelinghuysen Holden purchased acreage in Section 22, and Eugene Rooklidge purchased lands south of Edmonds Marsh from the federal government. While these

[82] The Pierce County Auditor's office online document database does not allow "39" to be entered as a valid section number.

former HBC/PSAC-claimed lands were generally used for agricultural and dairy farming, "One exception to the above mentioned land use occurred in 1875 when the Portland and Puget Sound Railway Company [a subsidiary of NPRR] secured a 200' right-of-way in Sections 23 and 24 with the intent to complete a rail system connecting Olympia with Tacoma," such plans soon being abandoned after the laying of a standard gauge track (Welch 1989a:2.62; Creighton 2004). Additionally, "In 1890, the Northern Pacific Railroad (now Burlington Northern) completed a line from the south that crossed the Nisqually River a few miles from its mouth and followed the bottom of the bluff" on the shoreline of sčəgʷaliču/Sequalitchew (Creighton 2004:78).

The railroad companies also had their sights on Puyallup Reservation lands. I include this brief recounting of the theft of the Puyallup Reservation because it is instrumental to understanding the subsequent theft of the eastern two-thirds of the Nisqually Reservation discussed in the next chapter, and because dispossessed Puyallup allottees would soon come to figure in the legacy of the descendants of John Kalama and Mary Martin. Very shortly after setting up headquarters at Puyallup, Eells "noted that the Tacoma Land Company (controlled by the Northern Pacific Railway) had attempted to buy the whole reservation and had claimed to bureau officials that no more than 50 Indians lived there" (Castile 1981:64). In 1876, NPRR built a spur line across the reservation without approval from the federal government, and without compensation to the Puyallup people, presenting "this segment of track as a link in the transcontinental line, proof of progress to forestall the loss of federal land grants across the Cascades" (Castile 1981:64). The spur line was approved by Congress seventeen years after its construction, as discussed below.

In 1889, the Puyallup Valley Railway Company attempted to secure a right-of-way across a portion of the Puyallup Reservation (DOI, ARCIA 1889). The Puyallup Tribe refused to

grant this right of way, but this would not be the end of railroad interest in their lands. Agent Eells notes in his 1889 report to the Commissioner of Indian Affairs that, "The lands of the Puyallup reservation are immensely valuable. This Territory will soon be a State. Public opinion will press through the legislature, as the earliest possible moment, a bill removing the restrictions on the sale of their lands […] There is not the same necessity for the Indian on the other reservations to be allowed to sell their lands, and I should not recommend it" (DOI, ARCIA 1889:286-287). During this time, Puyallup Reservation lands also began to be leased, as the General Allotment Act had been enacted in 1887, and while reservations under the Treaty of Medicine Creek had been allotted prior to the passage of this act, in 1890 the act was amended to allow the granting of leases for farming, grazing, and mining purposes on all allotted lands with the approval of the Secretary of the Interior (DOI, ARCIA 1890). "In 1890 the [Puyallup] Indians fell victim to a scheme whereby for a handsome sum they would lease their lands for two years, with the provision that if Congress approved the state's lifting of restrictions on Indian land sales, the leases would become deeds" (Castile 1981:66). Congress, rather than approving these leases, created an investigative commission which found the agreements to be fraudulent.

In this same year, however, Congress enacted legislation providing for the appointment of a commission, who were to be sent to the Puyallup Reservation in order to assess the land base and to determine the conditions for alienation and compensation.

> Repeat removals, excisions from reservations, grants of the same land to different tribes, all conducted against a background of endless pressure for new or revised treaties, were the symptoms of removal's temporariness, which kept time with the westward march of the nation. In the end, though, the western frontier met the one moving back in from the Pacific, and there was simply no space left for removal. The frontier had become coterminal with reservation boundaries [Wolfe 2006:399].

Achieving statehood in 1889, the new Washington State legislature had almost immediately enacted legislation removing the restrictions on the sale of Puyallup allotments and forwarded

the legislation to the U.S. Congress for approval, as required by the provisions of allotment patents under the Treaty of Medicine Creek ("An Act enabling the Indians to sell and alien the lands of the Puyallup Indian Reservation, in the State of Washington" Laws of Washington 1899-90). The Puyallup Commission, appointed by Congress to assess Puyallup Reservation land values, recommended that the sale of these lands be commenced (DOI, ARCIA 1891). In 1892, "Senate Bill No. 3056, now pending, provides for giving the consent of Congress to the removal by the legislature of the State of Washington of the restrictions upon the power of alienation of a portion of the lands embraced within the Puyallup Indian Reservation, upon certain conditions. The bill has been made a special order in the Senate at its next session" (DOI, ARCIA 1892:77).

It was also in 1892 that Senate Bill 2821 was introduced, seeking to ratify and confirm an agreement made between the Puyallup Indians and the Northern Pacific Railroad regarding a right-of-way across the reservation, *seventeen years after the track had been laid*. Congress approved the right-of-way in 1893 and other railroad companies, including the Rapid Transit Railroad Company, immediately began making their bids for rights-of-way across the reserved Puyallup tract (DOI, ARCIA 1893). Additionally, a private citizen by the name of Frank Ross had commenced building a railroad of his own on the reservation, without having secured the permission of the Puyallup Tribe or the federal government (DOI, ARCIA 1893). Indian Agent Edwin Eells asked for, and received, assistance from both the War Department and the King County Sherriff in evicting Ross from the reservation and serving him with an injunction (DOI, ARCIA 1893).

> In both the lease and the railroad schemes a Puyallup named Peter Stanup opposed Eells. Stanup was associated with a petition for Eells' removal, which stated that the Indians wished that their rights "as citizens be no longer abridged or our lives and liberties harassed by an agent hostile to our interests.: Stanup was found dead in the river during

> the struggle over the railroad in May of 1893. An inquest concluded that he had been murdered, and although the matter was dropped, disgruntled Indians signed a petition declaring that Stanup "was garrotted and murdered at his own doorstep ... by hired assassins who were experts in their work, and we believe that Eells and his confederates, whose object it is to get away from us our common lands, wanted Stanup out of the way in order to make us more easy victims to their schemes" [Castile 1981:66].

Unfortunately for the Puyallup people, nothing could have been further from the truth: Eells was being framed. Edwin Eells did everything in his power to prevent the nearly complete dispossession which was to follow. Eells was dismissed from his position in 1894, noting that in the letters sent announcing his pending "retirement," he was *informed* that "the object of having Indian Agents, was to civilize the Indians, - that the Puyallup and the other allied tribes of Indians of this Agency had become the most civilized of any Indians in the United States, they having all become citizens," and the Puyallup Agency was ordered to be abolished (Castile 1981:67).

The Puyallup Commission was ordered to oversee the sale of the majority of allotted Puyallup lands, as well as a portion of the unallotted lands next to which the boarding school and Tribal cemetery were located. A ten-year restriction on alienation had been placed on allotted lands which were not under the supervised sale of the Commission. This restriction was removed in 1903, despite the protestations of the Puyallup Commissioner that the removal of these restrictions would be disastrous (DOI, ARCIA 1903). "Many other tribes were similarly stripped of their land base, but few so completely as the Puyallup" (Castile 1981:68). As noted above, the Puyallup Agency had been disbanded in 1894, and supervision of the reservation was placed under the Superintendent of the Puyallup School. When Henry Liston assumed the position of School Superintendent in 1903, he lamented that:

> During my fourteen years in the Indian Service, I have had occasion to visit several reservations and at none of them have I ever met with such conditions as exist here. Not only men, but even women, drink to excess and can been seen almost every day and night

> lying either in the road or in a ditch near by, dead drunk, their children, in some instances, whether holding the team or endeavoring to assist them back in the wagon from which they had fallen. Boys and girls some not more than 15 years of age, are following the example set them by their parents, and, in some cases, leading rather than following [DOI, ARCIA 1903:335].

In this heartbreaking passage, the effects of intergenerational trauma are crystallized, showing quite starkly the connections between the land-based microagression of "legalized" dispossession and the self-destructive behaviors of historical trauma response such as alcohol and substance abuse, as well as the transgenerational transmission of such traumas and behaviors.

Throughout this period, life on the Nisqually Reservation continued on, the people not yet subjected to the pressures of alienation regarding their allotments, as the restrictions on the sale of sqʷaliʔabs/Nisqually lands remained in place. An effort towards healing was begun, centering around the disinterment and reburial of Leschi and Quiemuth, whose graves had been wrongfully declared as being off-reservation by Thomas Reed's 1871-1873 surveys. I provide an extensive excerpt from Carpenter (2002) which illustrates what this reburial meant to the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples. Ke-koq-kum Henry Martin, brother of Mary Martin, opened the funeral services which:

> At least a thousand Indian people attended. Almost all of the Nisqually people came, followed by Indian people from "Puyallup, Skokomish, Mud Bay, Muckleshoot, Black River and Cowlitz." A large number of tents covered the prairie where they had camped. There were also many white people in attendance at the ceremony. They had come by train and had "disembarked at a point a short distance this side of the Nisqually River and were driven by Indians a distance of about six miles.
>
> "At the conclusion of the addresses the Indians and visitors marched slowly around the coffins, and while audibly expressing their grief took a last look at the two little piles of bones. Then they slowly and sadly left the church. The lids were screwed fast to the coffins and the funeral cortege formed.
>
> "Never before and probably never again will the Nisqually prairie be the scene of a similar pageant. Farm wagons, buggies and saddle horses conveyed the tribesmen to the graves. Nearly all the Indians present at the ceremonies were in line, which stretched along for nearly a mile. Following the wagon containing the coffins came the living

> relatives of the dead chiefs. Mrs. Gordon, the daughter of Leschi, was in the first carriage with her family. Next came George Leschi and following him came the old Indians who had known the deceased during life. Moses Leschi rode alongside on horseback, telling his grief in long wails of anguish.
>
> "A drive of four miles from the church brought the cortege to the burial ground. This was at Leschi's old village on the edge of the prairie and situated in a grove of prairie oak. Nearby flowed Ilwalse, or Muck Creek, debouching into the Nisqually River. Here the Indians and their visitors grouped themselves around the open graves. An old warrior stepped forward and uncorking a bottle of 'holy water,' solemnly sprinkled a handful in each. The coffins were then lowered and the burial prayer service of the Catholic Church recited by members of that faith. John Hiaton [sic], an Indian with a past, made a lengthy speech, asking the Indians to step forward and sprinkle a handful of earth into the graves. He also told them to come back again, after the white folks had gone, but for what purpose he did not reveal […] After the services…yesterday the assembled Indians indulged in a series of games, horseraces and athletic sports. Those will be continued today" [Tacoma Ledger July 5, 1895 quoted in Carpenter 2002:217-218].

The remains of Leschi and Quiemuth were moved well within the boundaries of the Nisqually Reservation to provide a safe haven for these Chiefs who had been murdered and had their final resting places stolen. As will be addressed in the next chapter, it would not be the last time that the two men were unearthed from these prairie lands, reminding the people once again of the trauma of war, internment, land theft, forced assimilation, and the murders themselves.

The prairie lands of the sčəgʷaliču/Sequalitchew ancestral landscape continued to be transformed through disturbance by illegal Settlers. In 1896, Henry Andrews sold the donation land claim taken by his wife's father to the Seattle Sand and Gravel Company (which became the Pioneer Sand and Gravel Company in 1901), and the industrial exploitation and devastation of sčəgʷaliču/Sequalitchew commenced. In early 1906, Daniel and Lizzie Cauffiel arrived in the sčəgʷaliču/Sequalitchew area—but they were not looking to make their home here. Daniel Cauffiel was an employee of the Eastern Dynamite Company, a subsidiary of the E.I. DuPont de Nemours [DuPont] Company, and he had come west in order to locate and purchase lands for the expansion of DuPont's explosives manufacturing infrastructure (Welch 1989a:2.62-2.63).

Cauffiel rapidly purchased acreage from a number of individuals and entities including homesteaders, the National Bank of Tacoma, and the Seattle Sand and Gravel Company, which had opened two gravel pits one-half mile north of sčəgʷaliču/Sequalitchew Creek (Welch 1989a:2.63; Bretz 1913:139). By early June of 1906, Cauffiel had managed to purchase over three thousand acres on behalf of the DuPont Company, including a tract of nearly five square miles from former HBC factor Edward Huggins (Creighton 2004:79).[83]

By July 17 of that year, the DuPont Company began grading and preparing the land for the construction of a domestic munitions factory, known as the DuPont Powder Works, and its attendant company town (Welch 1989a:264). In addition to several smaller purchases of land from illegal settlers, several large tracts of land purchased by Cauffiel are detailed in the June 3, 1906 edition of the Tacoma Sunday Ledger, excerpted in Welch (1989b):

> New plant at DuPont. Wa. touted as largest powder manufacturing plant in U.S. Deeds to 2700 acres of the land and for the 1,485 feet of waterfront property upon which the Co. will construct its wharves were filed for record, yesterday. A tract of land containing 292 acres has been purchased from Moody, Call and Grier (deed was in Chicago and not filed yet). $30.00 an acre for tract. It lies at the mouth of Sequalitchew Creek, on the upper side and abutting on the waterfront. It adjoins the 2700 acres purchased by the DuPont Co. from Holden and Huggins. The deal for the waterfront tract was closed during the week with the Seattle Sand & Gravel Co. and. with the purchase yesterday of lot 4. Section 22, T19, RIE, giving a frontage of 1,485 feet, the final obstacles in the way of construction work on the plant were removed [Welch 1989b:2.64].

Construction of the plant began immediately and, by 1909 when the DuPont Powder Works began operation, the sčəgʷaliču/Sequalitchew ancestral landscape was scarred by the presence of over 153 structures, narrow gauge railroad lines, and shipping docks at the mouth of the creek (Welch 1989a; Creighton 2004). The creek itself had been rechanneled into metal culverts at its point of egress from Edmonds Marsh, and a dam and wooden flume had been constructed in

[83] Cauffiel was offered a permanent position with the DuPont Company in 1907 and left the area by 1908, purchased a vast estate in Delaware and, in time, became the manager of the real estate division (Arnold et al. 2002).

order to generate electricity to power the munitions plant (Welch 1989a:2.64-2.65). Around 1910, the DuPont Company "built a powerhouse on Sequalitchew Creek to generate electricity. Water was supplied by the creek and ran to the powerhouse through a flume. It was constructed along an unused railroad right of way on the south bluff above the creek" (Stratton and Lindeman 1977:31). A broad swath of the landscape surrounding the plant, inclusive of the remaining dilapidated HBC buildings, was enclosed within "a high woven wire fence topped with several barbed wires. The fencing stretched to the right and left out of sight. All the plant was protected by it" (Munyan 1972:125).[84] Plant personnel operated a guarded gatehouse and allowed property access only to DuPont employees (Munyan 1972).

As I discuss in detail in subsequent chapters, munitions manufacturing at the plant generated long-ranging devastating impacts to the ecology of the sčəgʷaliču/Sequalitchew ancestral landscape. The enclosure of the lands surrounding the plant did have one beneficial impact, however. Because a large buffer zone between the plant and surrounding communities was necessary for public safety, much of the land surrounding the plant, on the east side of the Nisqually Delta, remained undisturbed for many years (McCurdy 1979). On the west side of the Delta, a similar set of circumstances began unfolding with the establishment of the Atlas Powder Company[85] explosives manufacturing facility in 1919, enclosing more of the

[84] Creighton (2004) makes an odd assertion regarding the purpose of the fencing. "[T]he HBC's historic area became a dilemma for DuPont, as the manufacturing facilities and rail support were expanded in closer proximity to these structures. With growing public interest in the past, DuPont confronted a safety issue: the HBC buildings were located too close to the rail lines that carried explosives to the plant. The area was restricted to employees, and a high woven wire fence topped with several strands of barbed wire surrounded and protected the plant" (Creighton 2004:81).

[85] In 1912, the DuPont Company lost a lawsuit (*United States v. E.I. du Pont de Nemours & Co*., 188 Fed. 127 (C.C.D. Del. 1911) brought under the Sherman Antitrust Act (July 2, 1890, c. 647, 7, 26 Stat. 209, 210 (Comp. St. 1916. 8829)) regarding their monopoly over the explosives industry. As a result of this case, the DuPont Company was ordered to divest, resulting in the creation of two additional companies: the Hercules Powder Company, and the Atlas Powder Company (Stocking 1958). "The division of the Du Pont Company into Du Pont, Atlas Powder Company, and Hercules Powder Company was intended to foster competition in the explosives industry, but in reality the antitrust agreement allowed the connection between Hercules and the parent company to remain

sqʷaliʔabs/Nisqually ancestral homelands around the Nisqually Delta, and building a road across the stolen She-nah-num/South Bay Reservation tract to a loading dock in Puget Sound slightly west of sxʷdaʔdəb/Medicine Creek (McCurdy 1979). The river mouth, delta, and much of the tidelands between sxʷdaʔdəb/Medicine Creek and sčəgʷaliču/Sequalitchew, and the culturally and spiritually central places therein, were now largely inaccessible to sqʷaliʔabs/Nisqually peoples.

Meanwhile, the largest of the predatory railroad companies, the Northern Pacific, was merged with the Great Northern Railway Company by their respective owners, capitalists J.P. Morgan and James J. Hill in 1896 (Jensen, Draffan, and Osborn 1995). That same year, the U.S. Supreme Court held this merger of competing and parallel railroad companies to illegally restrain trade in *Pearsall v. Great Northern Railway Company* (161 U.S. 646 16 S.Ct. 705 40 L.Ed. 838 (1896)). In response, Hill "set up joint ownership of the two rail lines by individuals instead of by a corporation. This effectively sidestepped the Supreme Court ruling" (Jensen, Draffan, and Osborn 1995:13-14). J.P. Morgan immediately refinanced Northern Pacific through the issuance of 100- and 150-year bonds which used the company's grant lands as collateral, these bonds creating a lien upon the development of the land (Jensen, Draffan, and Osborn 1995). In 1897, a Congressional delegation from the state of Washington helped propel a bill through Congress which would have devastating impacts on the region's ecology. In 1891 legislation had been enacted which authorized the President to create forest reserves and, in 1893, the Pacific Forest Reserve was established in the Cascade Range. Northern Pacific's land grant included lands surrounding and inclusive of təqʷubəʔ/Mount Rainer and in 1897, in a

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intact" (Funding Universe 2012). The possibility therefore exists that Atlas Powder was not as separate an entity from the DuPont Company as one might think. In fact, a newsletter published by the City of DuPont (2008), mentions the book "Atlas Powder", by Bill Haller and, in the section "News from the Historical Society," asserts that "Atlas Powder was a separate division of the DuPont Company also producing explosives."

provision of the Civil Sundry Appropriations Act (30 Stat. 34, June 4, 1897), Congress secured these lands from Northern Pacific for the establishment of the Mount Rainier Forest Reserve (Jensen and Draffan 1996). In exchange, "Northern Pacific received its choice of prime timberlands in any state within which Northern Pacific ran track" (Jensen, Draffan, and Osborn 1996:31).

Northern Pacific blatantly began selling millions of acres to large timber corporations, flouting Congressional intent within railroad land grant legislation which required that unused grant lands be opened to settlement by private citizens (Jensen, Draffan, and Osborn 1995). At the dawn of the twentieth century, Northern Pacific sold 900,000 acres of prime timber lands in Washington State to the Weyerhaeuser Corporation for $6.50 per acre (Jensen, Draffan, and Osborn 1996). The Weyerhaeuser Corporation was owned by Frederick Weyerhaeuser, who was (almost predictably) neighbors with James J. Hill of Great Northern in St. Paul, Minnesota (Jensen, Draffan, nd Osborn 1996). Through rapacious harvesting practices, the Weyerhaeuser Corporation quickly devastated the old growth stands of cedar upon which so much of ʔaciɬtalbixʷ/First Peoples' lives and cultures were dependent (Jensen, Draffan, and Osborn 1996). The Weyerhaeuser Corporation would also subsequently become one of the main agents of environmental and cultural devastation within the sčəgʷaliču/Sequalitchew ancestral landscape

The lands of the Mount Rainier Forest Reserve, some of which were to become Mount Rainier National Park in 1906, enclosed təqʷubəʔ/Mount Rainier and the glacial headwaters of the Nisqually River—a primary source of life and sustenance for the sqʷaliʔabs/Nisqually peoples and the beings with whom the sqʷaliʔabs/Nisqually ancestral territories were shared. The very waters of the river, flowing from the glacier through the forests and prairies to the Sound,

were soon appropriated and diverted for the first time by Tacoma City Light[86] (now Tacoma Power) after the construction of the LaGrande Powerhouse in 1910. Seeking to gain independence from East Coast conglomerates who controlled much of the electrical current supplying the city of Tacoma, Tacoma City Light constructed a hydroelectric project along the Nisqually mainstem at the foot of the mountain (Wilma 2003). When completed, a "35-foot high diversion dam directed water into a settling channel (to remove silt), then into a two-mile tunnel blasted out of solid rock" (Wilma 2003:n.p.). Once in the tunnel, the water dropped over 400 feet through penstocks to a generating station within a powerhouse, from which transmission lines were hung in order to carry electricity thirty-six miles to the city of Tacoma, the exponential growth of which was due to the theft of Puyallup Reservation lands by squatters and the railroad companies.

As Indigenous peoples and Indigenous ancestral landscapes were subjected to countless assaults, genocides/ecocides, and the brutalities of colonization and dispossession, anthropologists began to echo the cries of Indian Department employees and Christian reformers that Indigenous peoples were fast disappearing. In a "last-ditch effort" to harvest the purportedly disappearing knowledge and belongings of Indigenous peoples in America, along with our bodies, The Bureau of Ethnology (later the Bureau of American Ethnology [BAE]) was founded in 1879 in order to transfer all "memorials" and human remains of Indigenous peoples in the possession of the Department of Interior to the newly created Smithsonian Institution (Niezen

[86] The City of Tacoma recently settled a series of related lawsuits brought by the Skokomish Tribe regarding the "pervasive and destructive environmental, economic, social, cultural and other impacts" of Tacoma City Light's Cushman Hydroelectric Project on the Skokomish River (McCann 2011). The Skokomish Tribe had returned to them "more than 500 acres at the mouth of the Skokomish River, where the tribe has been restoring the tidal estuary; nearly three acres of land at Saltwater Park with more than 470 feet of shoreline on Hood Canal; and more than 500 acres of land along Lake Cushman that contains significant tribal cultural sites." (Royal 2011). The Tribe also received $11 million in damages, plus a share of the value of electric production at the facility. Water flows in the river were mandated to be increased, and fish passages constructed to facilitate salmon restoration and ecosystem health (Royal 2011).

2000). Collecting expeditions were also undertaken by the BAE in an effort to preserve the "remnants" of Indigenous cultures thought to be fast disappearing due to death and assimilation. "One of the most striking features of early collecting expeditions was the extent to which ceremonies, shrines, and grave sites were desecrated by researchers eager to obtain coveted items," this direct violence both sanctioned by and reinforcing racist notions of Indigenous inhumanity (Niezen 2000:163).

Collecting expeditions were also driven by the tenets of what would become known as "salvage anthropology" or the collection of cultural materials with the aim of preserving for posterity the "disappearing savage." Among the adherents of salvage anthropology was Franz Boas, a mentee of Horatio Hale, the ethnologist who had accompanied Wilkes on his 1841 exploring mission to the Puget Sound. Boas' influence on the development of American anthropology spawned of a generation of anthropologists who traveled to various reservations to interview living people about life before the coming of Settler, rendering Indigenous histories as static and reinforcing the notion that our "Indianness" was fast fading, becoming impure through contact with outsiders. Incidentally, when Boas was sent by Hale to document life among the Kwakwakw'wakw peoples of British Columbia, he began his own collection of Indigenous dead.

> While digging in a burial ground near Victoria, British Columbia, Boas used a photographer to distract the Indians while he was doing his grave robbing. On June 6, 1888, he wrote in frustration that "someone had stolen all the skulls, but we found a complete skeleton without head. I hope to get another one either today or tomorrow…It is most unpleasant work to steal bones from a grave, but what is the use, someone has to do it [Hurst Thomas 2000:59].

To be fair, Boas' development of the notion of cultural relativism, which "questions the existence of any universal standard by which to judge either the degree of cultural development or the intrinsic worth of different cultures," was an incredible leap forward, and he himself publicly disavowed racism (Hurst Thomas 2000:70). The combination of the tenets of salvage

anthropology with the doctrine of cultural relativism was shared by Boas with his students at Columbia University, where he took a position in 1896, becoming the institution's first professor of anthropology three years later (Jacknis 2002).

One of the last students to work with Boas in the years immediately preceding his retirement from Columbia in 1936 was Marian Smith, who came to the Nisqually Reservation in the mid-1930s in order to document what she believed were the last memories of a dying people. As noted in the Introduction to this work, in the opening to her 1940 ethnography *The Puyallup-Nisqually*, Smith asserts that:

> Puyallup-Nisqually culture is gone. With the exception of a small group who still live on what is left of the Nisqually reservation, the people own their homes and are scattered among rural and urban whites from whom they can scarcely be distinguished. If the old life has come alive again, and to me it certainly seems most vivid, it is due to the real and intelligent interests of my informants [Smith 1940:xi].

Clearly contained within Smith's words are the tenets of salvage ethnography, turning to living Elders to describe times long before their birth in order to present an "uncontaminated" version of their cultures and histories. The Elders with whom Smith worked included Peter Kalama, his wife Alice, and the mother of their eldest daughter's husband, Elizabeth Annie Squally.

At some point between 1908 and 1909, Peter Kalama had returned to his people on the Nisqually Reservation and married Alice Jackson, daughter of Edward and Louise Jackson, and granddaughter of Jackson and Tohaksomma[87] (Roots Web "Peter Kalama"). While the Jackson family lived on the Nisqually Reservation, Alice Jackson descended from Puyallup and Cowlitz families (salətˀuṗkʷ Leonard Squally personal communication, 2012). Peter and Alice (Jackson) Kalama had their first child, Lawrence (Doc) Kalama in 1909, their second child Sadie Kalama in 1910, and the rest of their seventeen children (Lloyd, Mildred, Josephine, Carmen, Elmer,

[87] Alice's siblings are listed as Mary, Eunice, Annie, Katie, Ellen, Maggie and Elvina Jackson. I have not been able to locate any information on her maternal grandparents. (Roots Web "Alice Jackson")

Fred, Violet, Roy, Jacob, Blanche, Edward, Ray, Lottie, and the twins Zelda and Zelma) up through 1929. Peter and Alice Kalama were not only busy creating their large and beautiful family during this time. Peter became the elected chief of the Nisqually people in 1910, following in the steps of his chiefly grandfathers and leading his people through some of the most difficult times in their history.

## Chapter 4: *"They preferred homes elsewhere"*

### Part I: The Condemnation

Contrary to popular myth, direct physical violence against Indigenous peoples did not end with the "Indian Wars," nor is it solely expressed through acts of violence against human beings and their bodies. "Indigenous knowledge recognizes *place* as integral to one's sense of being which is also central to both individual and collective spiritual health and wellness" (Walters, Beltran, Huh, and Evans-Campbell 2011:173).

> The appropriation of indigenous land by force or coercion has been a central theme in colonial interactions with IP [Indigenous peoples]. Land has been at the heart of colonial attempts at conquest, and historical trauma events have been the primary vehicle for land dispossession and dis-placement of indigenous people. Moreover, AIANs [American Indians/Alaska Natives] continue to inhabit the continent on which they have encountered historical and contemporary assaults. They live with constant reminders of historical trauma (e.g., living in areas where "massacre" sites are visited by tourists and proudly mislabeled as "battle" sites), and their subsequent trauma, resistance, and resiliency responses are markedly different from those descendent survivors who no longer occupy "place" with their perpetrators (e.g., holocaust survivors who immigrated or escaped from perpetrating countries during or post WWII). As noted by Whitbeck, there is no "safe" place to immigrate or return for AIANs [Walters, Beltran, Huh, and Evans-Campbell 2010: 17:176-177].

While many of these reminders are visible, there are also *invisible* reminders; including the elisions of history that have served to "erase" these events from Settler history texts and memories. These erasures serve to naturalize Settler colonialism, obviating any sort of meaningful national acknowledgment of the past five hundred years of genocide in the Americas, serving to limit the establishment of a space for healing, for Indigenous peoples and Settlers alike. It is not only the silences of the Settler colonial "historical record" which have the potential to compound trauma. In some traumatic situations:

> a "conspiracy of silence" develops, whereby those who were not affected are unable to understand the horrific nature of survivor experiences and, moreover, may actively avoid hearing about them. As a result, survivors do not talk about their experiences, which, in turn, may increase feelings of isolation, loneliness, and mistrust among survivors.

> Similarly, in the United States, acknowledgments of traumatic events perpetrated on [Indigenous] communities are limited, and, not surprisingly, [Indigenous peoples] routinely encounter societal reactions such as indifference, disbelief, and avoidance [Evans-Campbell 2008:330].

The hegemon's version of the history of the establishment of Camp Lewis (later Fort Lewis, now Joint Base Lewis-McChord), as relayed through the Lewis Army Museum website, attempts to erase the illegal and violent appropriation of reservation lands and of the remainder of the greater sčəgʷaliču/Sequalitchew ancestral landscape, upon which the sqʷaliʔabs/Nisqually people had long depended for foods, medicines, teachings, and spiritual gifts.

The land- and water-scapes of sčəgʷaliču/Sequalitchew and contiguous prairies which had not been enclosed within the barbed wire-topped fence around the DuPont Powder Works soon caught the eyes of both the first organized Washington state militia (which became the Washington National Guard), and the United States Army. Between 1890 and 1902, the organized state militia held a number of "brigade encampments" at American Lake[88] (Lakewood Historical Society 2008). As early as 1902, entrepreneurs from Tacoma began to try to generate interest within the (then) U.S. Department of War in establishing a permanent federal military facility at the site (Lewis Army Museum n.d.). In 1903, Congress enacted the Militia Act (32 Stat. 775), sanctioning the formation of State and Territorial National Guard battalions, and providing for joint maneuvers between these organized militias and the United States Army (Lakewood Historical Society 2008). In May of 1904, three camps were established by the Army on the prairies within and around sčəgʷaliču/Sequalitchew: the Maneuver Division Headquarters at Murray Station, Camp Steilacoom at the north end of Steilacoom Lake,[89] and

[88] Recall from Chapter 1 that sčəgʷaliču/Sequalitchew lies within the American Lake subbasin, and that American Lake was known to the sqʷaliʔabs/Nisqually peoples as dəxʷ xʷiyačiʔ ("palm of the hand" in Waterman 2001[1920]), one of the glacial kettle lakes within the sčəgʷaliču/Sequalitchew village ancestral landscape vested with deep cultural and spiritual significance.

[89] Recall from Chapter 1 that Steilacoom Lake was also noted to be home to a powerful being (Wickersham 1898).

Camp Nisqually along the north bank of sčəgʷaliču/Sequalitchew Creek (Archambault 2005). Joint maneuvers between the Washington National Guard and U.S. Army troops were held between July 1 and July 17, 1904. At Camp Nisqually, approximately 2,000 men were bivouacked along sčəgʷaliču/Sequalitchew Creek, including a number of the famed "Buffalo Soldiers," who comprised the all African-American 9th and 10th Cavalry Regiments, encamped at the site (Archambault 2002; Moura 1991).

After these initial joint maneuvers, a report was prepared for the Army by Assistant Adjutant-General Major R.K. Evans, who had been the chief umpire of the Maneuver Division during the 1904 exercises. In this report, Major Evans urges the Army to acquire the area around American Lake to establish a training camp, finding that the site deserved special consideration because of the advantages offered by the land and waterways themselves. Evans notes sanitary qualities such as the lack of mud on the thin-soiled prairies and productive, uncontaminated aquifers; accessibility factors such as the proximity of major railroad lines and the availability of a deepwater port; tactical features necessary for diverse training regimens, such as open prairies dotted with glacially-created hill and hummock features, densely wooded areas, and five freshwater lakes; and the strategic advantages of having a military installation in the Puget Sound (Lakewood Historical Society 2008). Subsequent training encampments took place at the American Lake site in 1906, 1908, and 1912 and, while the Army's interest in the land undoubtedly grew, the DuPont Company also recognized the advantages offered by the deep harborage and the solitude of the great prairies and the company, through Daniel Cauffiel, began to purchase shoreline and nearshore tracts for their Powder Works in 1906 as discussed in the previous chapter.

The events which occurred in the five years after the last encampment in 1912 are somewhat occluded, for there are a number of disparate secondary sources that I have found.[90] These secondary sources vary in their degree of detail and, in the case of the "official" version posted on the Lewis Army Museum website, in the actual order of events. In 1912, a party of Army officers who visited American Lake and the surrounding prairies recommended that the land be acquired in order to establish a permanent facility. Major General Arthur Murray asserted that "There is no finer Army post site anywhere in the U.S. In this area there is every physical condition desirable for Army training and maneuvers" (Lewis Army Museum n.d.). On August 29, 1916, the United States Congress passed a military bill[91] which enabled the (then) Secretary of War to accept as a gift lands donated to them (10 USC sec. 4771). According to the Lewis Army Museum Website, it was after this bill was enacted that a group of Tacoma businessmen paid a visit to Capitol Hill to try to generate federal support for the establishment of a base (Lewis Army Museum n.d.). The former curator of this very museum, who left his position in 2008,[92] relates a different version of events in his book on Fort Lewis, published in 2002:

> In 1916 the Army began to seriously consider locating a major installation in the vicinity of the American Lake maneuvers. A group of Tacoma businessmen formed a committee to promote the idea with both the military authorities and the citizens of Pierce County, in which the area was located. Eventually, the committee offered to donate 140 square miles of land to the Army if a permanent military installation was established. The proposal went to President Woodrow Wilson, who added his endorsement. Congress voted its approval of the plan on August 29, 1916. The proposal to purchase the land and donate it to the Army was then presented to the voters of Pierce County [Archambault 2002:7].

[90] I have as yet been unable to access the Congressional Record for this period.

[91] This bill was originally codified as 39 Stat. 622, 623 when first enacted in 1916. It was subsequently amended in 1956 and codified under 10 USC sec. 4771.

[92] Archambault left Lewis Army Museum in order to take a position overseeing museums at military installations around the United States (Seattle Times 2008).

More than just a matter of semantics, the order of events, and the government positions of those people who knew about the proposal (particularly President Wilson) are very important, as the events leading to the transfer of title to the lands to the (then) Department of War will reveal.

According to the Lewis Army Museum website, in October of 1916, Captain Richard Park was sent by Major General J. Franklin Bell to the Pacific Northwest to investigate potential locations for a base, but the American Lake site was not on his itinerary. Park was purportedly contacted by a Tacoma businessmen's committee during his visit, and was taken out to the American Lake site by the committee. Major General Bell then visited the site himself, finding it to be "the most magnificent field I have ever seen for military maneuvers" (Lewis Army Museum n.d). It is after Major Bell's visit that the museum claims a group of Tacoma businessmen including Stephan Appleby, Jesse O. Thomas, and Frank S. Baker visited Secretary of War Newton D. Baker and, "Speaking for the citizens of Pierce County, they offered to donate 140 square miles to the Army if a permanent military installation were established" (Lewis Army Museum n.d). According to the museum, Secretary Baker then took the proposal to President Wilson, who added his endorsement before the proposal was sent to Congress, where the Military Affairs Committees of both the House and the Senate held hearings on the matter. The museum website notes that Secretary Baker signed a letter (but they don't note to whom the letter was sent) declaring that he would accept these lands as a gift if Pierce County tendered a deed conveying valid title (Lewis Army Museum n.d).

Keep in mind that in Archambault's (2002) version of events, the Tacoma businessmen visited Capitol Hill, and made their offer of 70,000 acres on behalf of Pierce County citizens, endorsed by President Wilson, *prior to the passage* of "the Act of Congress approved August 29,

1916." The order of events proposed by Archambault (2002) is also related by Becker (2006) who adds that:

> *Tacoma News Tribune* publisher Frank S. Baker, banker Stephen Appleby, and realtor Jesse O. Thomas initiated a plan to secure a major military installation for Pierce County during a meeting with Secretary of War Newton D. Baker in Washington, D.C. They reached an agreement that if Pierce County provided land, the federal government would temporarily assign troops there in the event of a war. Besides their patriotic impulses, Baker, Appleby, and Thomas knew that this arrangement would be an enormous economic and strategic asset for Pierce County. President Woodrow Wilson (1856-1924) endorsed the plan, and on August 29, 1916, the United States Congress approved it [Becker 2006].

Because of these discrepancies in the secondary source materials, it is difficult to get a clear sense of the actual order of these events.

All sources agree, however, that on January 6, 1917, "86 percent of the Pierce County Electorate voted to bond themselves for 20 years for $2,000,000 to purchase 70,000 acres of land," which would then be condemned and donated to the Department of War (Archambault 2002). Finding the legality of the bond measure to be in question, the Washington State legislature enacted a bill which states, in part, that:

> At a special election held in Pierce County on the 6th day of January, 1917, the voters of such county, by a more than three-fifths majority of those voting at said election, attempted to authorize the incurrence of an indebtedness of two million dollars, with interest, with which to acquire approximately seventy thousand acres of land in said county, and attempted to authorize such county to convey the same to the United States to be used as a permanent mobilization, training and supply station, for which attempted exercise of authority it is doubtful whether there was then in existence any law authorizing it, but the fulfillment of which purpose by Pierce County should, in the judgment of the legislature, be required by the state [Laws of Washington, 15th Session, 1917, Chapter 3:4].

This bill, enacted on January 25, 1917, and signed into law by the Governor on January 27, 1917, imposed a $2,000,000 debt on the County and retroactively mandated the collection of bond monies that had been illegally approved by the Pierce County electorate, as well as the condemnation and donation to the Army of 70,000 acres by the County (Laws of Washington,

15th Session, 1917, Chapter 3:2). The Pierce County electorate, however, didn't include more than a handful of sqʷaliʔabs/Nisqually people (Carpenter 2007:19). The 1924 Indian Citizenship Act (43 Stat. 233) had not yet been enacted but, as discussed in the previous chapter, a number of sqʷaliʔabs/Nisqually people had already had citizenship imposed on them through mechanisms related to the allotment of reservation lands and may have participated in the vote on the bond measure.

One blatantly illegal aspect of the plan which the Washington State legislature failed to address was the fact that a portion of the lands to be condemned were within the boundaries of the Nisqually Indian Reservation—in fact, these lands comprised the eastern two-thirds of the upriver reservation tract. Under the Commerce Clause of the United States Constitution (Article 1, Section 8, Clause 3), numerous trade and intercourse acts, and almost two centuries of case law,[93] both inherent tribal sovereignty and "the exercise of the federal government's legislative power excludes most state jurisdiction within the boundaries of reservations" (Getches et al. 1998:5; emphasis added). The State of Washington and, by extension, Pierce County, had absolutely no legal authority to condemn and donate Nisqually Reservation lands. According to federal Indian law scholar and attorney Charles Wilkinson, the condemnation proceedings were "flatly illegal for the Nisqually Reservation. Federal agencies, much less counties, have no right to condemn Indian trust lands unless Congress expressly authorizes it, which Congress had not done." (Wilkinson 2000:27). As discussed in the previous chapter, the Nisqually Reservation had been allotted and patents had been issued to allottees containing restrictions on alienation. These restrictions were still in place at the time of the condemnation. In the 1917 Report of the

[93] See, for e.g., *Johnson v. McIntosh* 21 U.S. (8 Wheat.) 543, 5 L.Ed. 681 (1823), *Cherokee Nation v. Georgia* 30 U.S. (5 Pet.) 1, 8 L.Ed. 25 (1831), *Worcester v. Georgia* (31 U.S. (6 Pet.) 515, 8 L.Ed. 483 (1832). In 1917, the reality of inherent tribal sovereignty held sway in the courts. Modern courts have relied on *Worcester*, but "the trend has been away from the idea of inherent Indian sovereignty as a bar to state jurisdiction and toward a reliance on federal preemption." McClanahan v. Arizona Tax Commission, 411 U.S. 164, 172 (1973) (Getches et al. 1998).

Cushman Indian Agency to the Commissioner of Indian Affairs, the Indian Agent, in the midst of discussion issues related to marriage and divorce amongst the sqʷaliʔabs/Nisqually peoples, makes the following statement: "There is, however, a feeling that such matters should be settled out of court by the Indians on any of the reservations as these Indians are restricted citizen Indians entitled to all the rights, privileges and immunities pertaining to citizenship with a *restriction only as to the alienation of their lands*" (Yelm History Project 2010b; emphasis added). The federal government had neither removed, nor approved the removal of, restrictions on the alienation of allotted sqʷaliʔabs/Nisqually lands, and sqʷaliʔabs/Nisqually allottees had not yet received clear fee simple title to their lands.

Carpenter provides excerpts concerning the condemnation from a source which I am unable to locate (Carpenter's reference says: Levinson, Richard. "Taking of the Reservation" September 17, 1976), which includes purported verbatim excerpts and paraphrased sections from a number of letters and reports from 1917 and 1918 to and from the Indian Agents at the Cushman Agency, who oversaw the Nisqually reservation at that time. According to Levinson (1976), cited in Carpenter (2007), Superintendent Wilson at the Cushman Indian School sent a letter on March 16, 1917 to the Commissioner of Indian Affairs in which he related that Thomas Bishop, member of the Snohomish Tribe, attorney, and President of the Northwest Federation of American Indians:

> had been telling the Indians that the County authorities were going to condemn their land and unless they employed an attorney to look after their interests that they would get but very little for their land. Wilson said he had tried to assure the Indians that the County had no jurisdiction over their land and the government would look after their interests if land was wanted for an army post, but that the Indians are somewhat skeptical, and that a statement from the central office would be highly appreciated [Levinson quoted in Carpenter 2007:21-22].

The Commissioner of Indian Affairs received a follow-up letter (from an unnamed source that I assume is Superintendent Wilson) on April 4, 1917 stating that the author had met with the attorneys in charge of the condemnation who assured him that the proceedings "have nothing whatever to do with the Nisqually Reservation," and reporting that Attorney Bishop was agitating the Nisqually allottees for no reason other than to secure himself employment (Levinson, quoted in Carpenter 2007:22). Interestingly, on just the previous day, the Army had sent a Captain Arthur B. Ehrnbeck and a reconnaissance party to the American Lake site in order to survey the area for site selection (Lewis Army Museum n.d.). Three days later on April 6, 1917, President Woodrow Wilson officially declared war against Germany and entered the fray of World War I (Proclamation 1364).

On May 5, 1917, Attorney Bishop received a letter from "the office in the East" (I assume that Carpenter means the Commissioner of Indian Affairs), stating that "no action is contemplated with reference to Nisqually Indians to the effect of condemning land, rumors were unfounded and the office regrets that the Indians were thus disturbed" (Levinson quoted in Carpenter 2007:23). The "Indians" may have been "disturbed" by the fact that the Army began construction of an enormous cantonment on July 5th, 1917. "The first building was finished in three days. In 90 days some 10,000 men built 1,757 buildings and 422 other structures, lighted, plumbed, and heated. Streets, roads and railroad spurs were underway. The camp stood ready for its planned 50,000 men" (Lewis Army Museum n.d.).

> Settler colonialism has both negative and positive dimensions. Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base—as I put it, settler colonizers come to stay: invasion is a structure not an event. In its positive aspect, elimination is an organizing principal of settler-colonial society rather than a one-off (and superseded) occurrence [Wolfe 2006:388].

By December of 1917, over 37,000 troops were making their "homes" within the greater sčəgʷaliču/Sequalitchew ancestral landscape and surrounding environs.

Despite the construction of over 2,000 structures by the Army, additional assurance that the lands were not to be condemned by County or State authorities was provided by E.H. Hammond, who was now the Superintendent of the Cushman Agency. Hammond wrote to the Commissioner of Indian Affairs on December 17, 1917 to discuss a meeting with a General Burr who posed the question of "leasing upland of Nisqually Reservation for target range and practice," because:

> the safety of the Indians during the hours of target practice would require the removal of the Indians from both the upland and the river bottom, to avoid ricocheting shells; that is, the entire reservation would have to be abandoned during those hours. The General was advised as to the question of leasing the lands through the regular channel, which he has probably done. The military requirements will undoubtedly force the War Department to make a demand for the permanent acquisition of the entire reservation. This as you are aware, will cause violent opposition on the part of the Indians, and, in view of the treaty relations it will be impossible for them to entertain the idea unless adequate homes are provided for the Indians elsewhere, which should be done, if the lands are condemned, for military purposes [Yelm History Project 2010b].

The response that Hammond received from the Assistant Commissioner regarding the *federal* leasing or condemnation of part or all of the Nisqually Reservation on January 14, 1918 stated that "the matter had not yet been brought to the attention of the Office of Indian Affairs, but when it was, it would be given the proper attention" (Carpenter 2007:23).

Regardless of these assurances, the Army had no intention of moving, and Pierce County had no intention of abandoning their plans for the condemnation eastern two-thirds of the Nisqually Reservation and "ceded" lands stretching all the way to sčəgʷaliču/Sequalitchew and beyond. According to Carpenter's account, the Army began to order sqʷaliʔabs/Nisqually allottees to leave their homes. "Some left immediately and those that resisted were loaded onto wagons and carried away. Some received only a few hours notice of their removal and others had

little to time to prepare their new houses and lived in makeshift shacks along the Nisqually River" (Yelm History Project 2010d). Attorney Charles Wilkinson relates a similar account that:

> In the winter of 1917, the United States Army moved in trespass upon the lands of the Nisqually. Indian families were summarily ordered to leave their homes and not return until advised of permission to do so. Some families were loaded up on wagons and transported to other parts of the Nisqually River valley and left to find shelter among trees or makeshift protections against the weather [Wilkinson 2000:27].

While undoubtedly structural in that the process of dispossession can be tied to policy and legislation, the illegal seizure of the eastern side of the Nisqually Reservation and the forced removal of people from their homes is also a form of direct violence and clearly illustrates that Settler colonialism is expressed through structural genocide. The structural genocide of the condemnation, bolstered by the ideologies of white supremacy/Indigenous dehumanization and militarism, "create needs-deficits. When this happens suddenly we can talk of trauma. When it happens to a group, a collectivity, we have the collective trauma that can sediment into the collective subconscious and become raw material for major historical processes and events" (Galtung 1990:295). Trauma can also become the "raw materials" for both suffering and resilience, as being dispossessed of the lands paid for in the blood of one's ancestors "clearly has a potentially harmful effect on indigenous health and wellness, which may then persist for generations to come" (Walters, Beltran, Huh, and Evans-Campbell 2011:166).

Among those sqʷaliʔabs/Nisqually people forcibly removed from their homes and farms in that winter of 1917-1918 were Peter and Alice Kalama, and a number of their children, including Sadie Kalama, who was around ten years old at the time of the theft (salətˀuṗkʷ Leonard Squally, personal communication 2012). Peter and Alice's daughter, and Leonard's mother, Sadie Kalama had, like her father, been a boarding school student. "She was in Cushman, Tulalip, Chemawa, and that one in Denver. She run away from there and come

home […] everywhere she went she said they put soap in her mouth for speakin' the language. And they got hit with a paddle […] Her and another girl, they run away from Denver and come home. I guess there were about four of 'em […] She musta been nine, ten years probably" (salətˀuƛ̓kɁ̓ Leonard Squally, personal communication 2012). Sadie had miraculously survived the long journey from a boarding school in Denver, only to arrive home to the reservation and be forcibly and illegally removed from her home along with the rest of her family.

Toward the end of that winter, Superintendent Hammond alerted the Indian Office on February 4, 1918, that the County Condemnation Board had requested a "copy of Nisqually heirs with view to instituting condemnation proceedings of Nisqually allotments in county court immediately" (Yelm History Project 2010b). Eight days later on February 12, 1918, Hammond wrote a letter addressed to the Commanding Officer, Camp Lewis, Washington:

> I beg to invite your attention to the attached letter which was in answer to a protest from the Indians. The Nisqually reservation is not public domain and until the question of transfer of this reservation to the War Department has been decided definitely by the Secretaries of War and the Interior, the presence of soldiers on the reservation constitutes a trespass. The Indians advise me that warnings have been posted against their remaining on the reservation; That soldiers are maneuvering on the prairie land, burning rail fencing, and pasturing their mules on private pasture lots. All rails belonging to Paul Leshi have been burned as fuel. During one of the maneuvers a 200-dollar horse belonging to James Nimrod, was stampeded into a barbed wire fence and badly cut. The soldiers do not confine themselves to the prairie land but large companies march across pastures and down to the farming lands in the bottom. Company C. machine gun brigade turned their mules loose in Fred Sam's pastures and destroyed his pasture on which he was depending for his own stock. Until this question of transfer has been decided by the two Departments, it is requested that trespassing on the Indian Reservation be stopped in order to avoid claims for damages [Yelm History Project 2010b].

Pierce County had decided, however, that the "question of transfer" was not to be decided upon at the federal level, and on March 3, 1918, all sqʷaliʔabs/Nisqually allottees on the eastern side of the reservation had been named as parties in the County condemnation proceedings.

In an undated telegram, Superintendent Hammond advised the Indian Office:

> Referring Secretary's telegram March 25th concerning condemnation Nisqually land. Will appear before Court Monday morning with District Attorney to determine County's jurisdiction and request withdrawal condemnation proceedings. District Attorney requests immediately citation of authority under which the War Department agrees purchase Nisqually land, also under what appropriation act are funds available. He advises County's jurisdiction unassailable. No hope voluntary withdrawal of suits. Wire information requested [Yelm History Project 2010b].

Hammond's request to withdraw the condemnation proceedings went unheeded by the County and the State. On April 3, 1918, United States Attorney Fisburne filed a motion to dismiss the case on the grounds that the court had no jurisdiction over either the sqʷaliʔabs/Nisqually respondents, or the condemnation of reservation lands (Carpenter 2002). On April 4, 1918 Judge Chapman, who was overseeing the condemnation proceedings, ruled against the motion, providing an extremely convoluted chain of reasoning in arguing that the County and the State were well within their rights.

In ruling on the motion to dismiss, Judge Chapman first turned to the Treaty of Medicine Creek, to which the sqʷaliʔabs/Nisqually are signatories, in order to address the issue of allotted land and restrictions placed on their sale or encumbrance. Article 6 of the Treaty states that:

> The President may hereafter, when in his opinion the interests of the Territory may require, and the welfare of the said Indians be promoted, remove them from either or all of said reservations to such other suitable place or places within said Territory as he may deem fit, on remunerating them for their improvements and the expenses of their removal, or may consolidate them with other friendly tribes or bands. And he may further, at his discretion, cause the whole or any portion of the lands hereby reserved, or of such other land as may be selected in lieu thereof, to be surveyed into lots, and assign the same to such individuals or families as are willing to avail themselves of the privilege, and will locate on the same as a permanent home, on the same terms and subject to the same regulations as are provided in the sixth article of the treaty with the Omahas, so far as the same may be applicable. Any substantial improvements heretofore made by any Indian, and which he shall be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President, and payment be made accordingly therefore [10 Stat. 1132 (1854)].

Judge Chapman then turned to the Treaty with the Omaha referred to in the Treaty of Medicine Creek. The sixth article of the Omaha Treaty states, in part, that:

> The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section; to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. […] And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. […] No State legislature shall remove the restrictions herein provided for, without the consent of Congress [10 Stats. 1043 (1854)].

As per these provisions, the Nisqually Reservation had indeed been allotted, and patents had been issued to individual allottees. As noted above, however, in 1917 restrictions on the alienation of these lands were still in place, according to the Indian Agent at the Cushman Agency (Yelm History Project 2010b). Regardless of this critical fact, Judge Chapman erroneously claimed that all restrictions on the alienation and encumbrance of all sqʷaliʔabs/Nisqually allotments had been, as stipulated in the Treaty with the Omaha, been removed by acts of the Washington State Legislature with the approval of the United States Congress (Carpenter 2007:24).

In making his argument, Judge Chapman turned to the 1890 law enacted by the Washington State Legislature regarding the removal of restrictions on the sale or encumbrance of allotments on the Puyallup Reservation, discussed in the previous chapter (Laws of Washington 1899-90). The Puyallup Tribe is, along with sqʷaliʔabs/Nisqually and other Nations and bands, signatory to the Treaty of Medicine Creek. It is important to read the language of the Act very closely, to which I have added emphasis. The Act's title, "An Act enabling the Indians to sell

and alien the lands of the *Puyallup Indian Reservation*, in the State of Washington," is first given, followed by brief citations of provisions within the Treaty of Medicine Creek and the Treaty with the Omahas pertaining to allotment in severalty. The Act then states that:

> Whereas, The President of the United States, on the 30th day of January, 1866, made and issued patents to the *Puyallup Indians*, in severalty, for the lands of said reservation, which are now of record in the proper office of Pierce county, in the State of Washington; and
>
> Whereas, All the conditions now exist which said treaties contain, and which make it desirable and proper to remove the restrictions in respect to the alienation and disposition of *said lands* by the Indians, who now hold them in severalty: now, therefore,
>
> Be it enacted by the Legislature of the State of Washington: Section 1. That the *said Indians* who now hold, or who may hereafter hold, any of the lands of any reservation, in severalty, located in this state by virtue of treaties made between them and the United States, shall have power to lease, incumber [sic], grant and alien the same in like manner and with like effect as any other person may do under the laws of the United States and of this state, and all restrictions in reference thereto are hereby removed [Laws of Washington 1899-90:500; emphasis added].

Judge Chapman also turned to the interpretation of this statute articulated in *United States v. Kopp*, (110 F. 160 (1901)), a proceeding regarding the sale of liquor to Walter Davis, a Puyallup Tribal member who was found in this case not to be an "Indian" subject to the Act of Congress January 30, 1897 pertaining to liquor sales to "Indians" (25 U.S.C.A. sec. 241). However, Davis, as a Puyallup allottee, *was* subject to the above statute enacted by the Washington State Legislature in 1890 regarding the removal of restrictions on his lands. The court in *Kopp* (1901) found that "the government continues to have and exercise the right to restrict alienation of these lands, but it does not hold the title in trust" (110 F. 160). The 1890 statute was held to have removed these restrictions on Puyallup Reservation allotments, and its enactment was found to have been approved by Congress.

The 1890 statute and *Kopp* (1901) clearly pertain *solely* to the lands of the Puyallup Reservation and the Puyallup peoples. In 1918, however, Judge Chapman took it upon himself to

apply both the statute and the findings in *Kopp* to the Nisqually Reservation condemnation proceedings. Chapman had apparently reasoned that because both the Puyallup and Nisqually Tribes were signatories to the Treaty of Medicine Creek, he could, without express authority from either the State Legislature, the United States Congress, or the President, unilaterally remove the restrictions on alienation and encumbrance contained in the sqʷaliʔabs/Nisqually allotment patents. (Carpenter 2002:24). Chapman argued that as the restrictions had in his opinion been removed, the County, by virtue of the mandate passed by the State which indebted the County for $2,000,000 and *required* the condemnation of lands through eminent domain and their donation to the Army, had the authority to condemn allotted sqʷaliʔabs/Nisqually lands by virtue the Act of March 3, 1901 (now 25 U.S.C. 357). This Act states that "lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee" (25 USC 357). Despite the fact that the restrictions on alienation and encumbrance had not been explicitly removed by Congress, Judge Chapman rejected the motion for dismissal.

The theft of the majority of the Nisqually Reservation is another example of the existence of a state of exception for sqʷaliʔabs/Nisqually peoples, although in a manner far more complex and insidious than that envisioned by Agamben (1998). Rather than being reduced to bare life through being disenfranchised and stripped of citizenship, the jurisdictional imaginary created at the nexus of various legislatively-proscribed logics of elimination renders Tribes as "domestic dependent nations" with a limited form of sovereignty. Individual tribal members are simultaneously rendered as "citizens" of the United States, thereby being stripping of our own

autochthonous political identities *and* the federally-imposed status of wardship which ostensibly protects us from state incursions against what remains of inherent Tribal sovereignty.

> European settler societies enact Western law – indeed, in ways often validated as exemplary of that law – by occupying and incorporating Indigenous peoples within white settler nations. The indigenisation of white settlers and settler nations thus shifts our reading of their capacity to represent the West. Rather than presuming that the West is defined by enforcing boundaries to preserve purity, we must consider that the state of exception arises in settler societies as a function of settlers' inherent *interdependence* with indigeneity [Morgensen 2011:60].

Indigenous peoples are rendered as zöe, and the ancestral laws arising from our sentient homelands are rendered as bare habitance, through the logic of elimination that is the imposition of citizenship *within* the polities of the Settler. While the theft of the Puyallup Reservation had been "legitimated" through the "gift" of citizenship and the removal of such restrictions on allotment patents, the State, County, and federal governments did not even bother with a similar charade regarding the theft of the eastern two-thirds of the upriver Nisqually Reservation. The whim of the sovereign is clearly evidenced here, illustrating that in reality, "the state of exception is the basis of all law in the first place, in that it is only under conditions of a state of exception that law itself can be created and constitutions imposed" (Colatrella 2005:99). The theft of the majority of the reservation is also a clear example of how acts and processes of structural genocide "are not the result of accident or a *force majeure*; they are the consequence, direct or indirect, of human agency" (Farmer quoted in Ho 2007:4)

Within a few days after Judge Chapman's rejection of the motion to dismiss the condemnation proceedings, Superintendent Hammond sent a telegram to the Indian Office informing them that the District Attorney strongly recommended a compromise between the Army and the Bureau of Indian Affairs, setting the appraised value of condemned Nisqually allotments at $75,840. Hammond relates that the:

> County refuses any other compromise and insists on approval before nine Thursday forenoon. Court refuses continuance later than Thursday at ten. If case goes to trial preceding condemnation suits show Indians stand to lose at least five thousand possibly eighteen thousand dollars less than offered in compromise. Wire immediately authority approve this compromise [Yelm History Project 2010b].

It is unclear as to whether permission to approve the compromise was provided by the Indian Office. Carpenter (2002) provides a poorly cited excerpt from a letter or report of the Assistant Commissioner of Indian Affairs that indicates that permission had, indeed, not been given. In fact, it seems from this entry that the Indian Office knew nothing at all:

> You are advised that unknown to this office proceedings were instituted by the authorities of Pierce County, Washington, to condemn approximately 3200 acres of allotted Indian land for the purpose of turning the same over to the government for the use of the War Department enlarging its establishment at Camp Lewis. Immediately steps were taken to protect the interests of the Indians with the result that on April 13, 1918, a compromise was reached whereby the sum of $73,840 was paid for the land—a much higher figure than the valuation placed thereon by the said county authorities or by the representative of the War Department. A special agent has been in the field purchasing lieu lands for the Indians as fast as possible to the end that they may be placed in as comfortable circumstances as they were at the time their allotments were taken over for the war uses; and it is hoped that they will, should the item be enacted, be fully repaid for their losses and established in suitable homes [quoted in Carpenter 2002:227-228].

How it is possible that these proceedings were unknown to the Indian Office when that same office had sent a telegram regarding the condemnation to Superintendent Hammond on March 23, 1917 is unclear as well. Nevertheless, on May 6, 1918, the lands were awarded in fee to the county by the State court (41 Stat. 28). Hammond wrote to the Commissioner of Indian Affairs regarding the outcome of the case, and noted that, "Acting on the request of the Judge Advocate, the Nisqually Indians were removed from that part of the reservation which was condemned, within the two week limit set by the Judge Advocate. The majority of the Indians preferred to move to the left bank of the Nisqually river, but five of the twelve families *preferred homes elsewhere*" (Yelm History Project 2010b; emphasis added). I am certain that they would have preferred to not have been illegally dispossessed.

The consequences of the forced dispossession and relocation of Indigenous peoples have been devastating. Denial of access to the places that provide physical and spiritual sustenance often results in poor physical and mental health outcomes for Indigenous peoples.

> Place is an interweaving of mind, body, soul, and spirit. Any disassembly of these essential components removes the very core of our being-in-the-world, with resulting material consequences, a process that has been played out for hundreds of years through colonization. The removal of people from the land and their land-based cosmologies and ethics through colonial processes has devastating and important implications for the health and wellness of contemporary IP [Indigenous Peoples] [Walters, Beltran, Huh, and Evans-Campbell 2011:171].

While the structural genocide of Settler colonialism is universal to all Indigenous communities, it is important to keep in mind that our communities, and the individuals and families of which they are comprised, vary widely in terms of their responses to historically traumatic events (Walters, Beltran, Huh, and Evans-Campbell 2011). It is therefore "important to differentiate between the potentiating effect of a historically traumatic event and the actual or soul wound response at the tribal, familial, and individual levels" (Walters, Beltran, Huh, and Evans-Campbell 2011:191). It is also very important to remember that Indigenous peoples have survived and resisted these assaults on our humanity in a multitude of ways.

Leonard's grandfather, Peter Kalama, carrying on the strength of his chiefly sqʷaliʔabs/Nisqually ancestors, resisted the theft of his peoples' lands. Kalama and a number of other dispossessed allottees submitted a petition to the federal government on October 18, 1918 for the return of the condemned portion of the reservation:

> The undersigned, who are members of the Nisqually Tribe of Indians, and who were occupants of the Nisqually Indian Reservation located in Pierce County, Washington, prior to the time said reservation was condemned and taken over for military purposes and military operations in connection with Camp Lewis, Washington, do respectively report to your Honorable Department that said lands have been occupied by them since time immemorial, and that since they were forced to leave their homes most of them have wandered about the country living in tents and are unsatisfied and unhappy. That while they were on said reservation they were self-sustaining and had their cattle and horses

> and raised their living, while now they have nothing. And they do respectively petition that as soon as military conditions of the country will permit it, and as soon as the land is no longer necessary for the purposes for which it was condemned that your department use every effort to secure said reservation for the use of the Nisqually Tribe of Indians and that former allottees, heirs of former allottees, and those Indians belonging to said tribe who have never been allotted, be allotted lands within the boundaries of said reservation on such terms as the government may seem just and right [Kalama quoted in Carpenter 2000:228-229].

Kalama submitted an additional affidavit averring that the facts in the petition were true, and described some of the deplorable conditions suffered by his people. "That there are some old Indians who are blind, aged and decrepit, who are now living in leaky old shacks or tents along the Nisqually River, who formerly had comfortable homes on the reservation […] it would be an act of mercy and justice if the attached petition were given consideration by the Department and granted" (Kalama quoted in Carpenter 2000:230).

Leonard's grandfather Peter's words did not fall entirely on deaf ears. On June 30, 1919, in the 1919 Indian Appropriations Act, Congress specifically authorized and directed the Secretary of War and the Secretary of the Interior:

> immediately to investigate, and to report to Congress at its next session, the advisability and necessity of acquiring with a view to returning to the dispossessed Indians, from the authorities of Pierce County, Washington, those several tracts of allotted Nisqually lands, Nisqually Reservation, Washington, aggregating approximately three thousand two hundred acres which were acquired under a compromise agreement of April 18, 1918, between said Secretaries of War and the Interior for the sum of $78,400 from the said Nisqually Indians by said county of Pierce for war Department purposes, and which said lands were by decree of May 6, 1918, of the local State court awarded in fee to the said county of Pierce for the purpose of transferring title thereto to the War Department as an addition to Camp Lewis [41 Stat. 28].

At some point after this directive was issued, the Bureau of Indian Affairs assigned a Special Supervisor Ellis to oversee the situation. Ellis paid a visit to the dispossessed sqʷaliʔabs/Nisqually allottees in order to assess their circumstances. Peter and Alice Kalama, and their children, were among those who Ellis visited. The Kalamas had lost their home when the

allotment in which Alice had a small undivided interest, and which Peter used exclusively, was illegally condemned by the County. Peter had been married previously and had been allotted land on his first wife's reservation at Warm Springs, Oregon, but he was awaiting the outcome of the process to determine the heirs to the Qual-a-multh, or Robert Martin, allotment, and the Henry Martin allotment on the Nisqually Reservation, because it was expected that Peter would inherit all of the former and a portion of the latter. The other heirs to the Robert Martin allotment were Elders Sallie Jackson and Charles Martin, and it was expected that they would be passing their shares in the land on to Peter when they passed on. Ellis implored the Indian Office to take action quickly regarding the determination of heirs so that Peter could become secure in his title and his family could begin their lives again (Yelm History Project 2010e).

Over the course of his stay at Nisqually, Ellis drafted a 51-page report[94] detailing the living arrangements of each dispossessed allottee. Also included in his report is a heartbreaking account of the numerous ancestral gravesites which the sqʷaliʔabs/Nisqually people had been forced to abandon due to the condemnation. One of the cemeteries, belonging to the Ross family, had, along with Leschi's first burial site, been erroneously cut out of the reservation by virtue of the incorrect Reed Survey of 1871 discussed in the previous chapter. In addition to the Ross family members' graves, Ellis details each of the known burials on the condemned reservation allotments, and provides the following summary:

> Outside of the Ross graveyard there are 162 graves of Nisqually Indians remaining on the condemned Nisqually allotments. Most of the livestock is gone and prairie fire will be an annual menace in the rank grass and will soon be invaded by stray stock and stones thrown down. The Indians of the Nisqually tribe cherish the memory of their dead, and most of the graveyards indicate that they took pains to keep the graves in order and protect them. And this is borne out by testimony of the missionaries who worked among

[94] Allotted Nisqually Indian Lands Senate Document No. 243, 66th Congress 2nd Session

> them. This care and protection can not now be given, even by frequent visits, which is impossible by some of the old people, as there is no one left to protect the graves from intrusion and molestation by miscreants bent on mischief. The nearest Nisqually lives across the turbulent Nisqually River and can not see what might be going on across the river. Removal of a few bodies and signs of preparation to remove others (which apparently had been abandoned) indicates the uneasiness felt by the Indians, which is thought to be well founded [Yelm History Project 2010c].

Knowing how deeply the sqʷaliʔabs/Nisqually people care for their ancestors, and saddened by the desecrations that had already taken place, Ellis recommended to Congress that they provide funds for the removal and reburial of these ancestors on the western side of the reservation, noting that "no allowance was made by any of the three boards of appraisers for the removal of these Indian bodies to other cemeteries" (Yelm History Project 2010c).

Ellis found that the various boards of appraisers had drastically understated the value of the condemned allotments, failing to take into consideration the fact that much of the land had been cleared and cultivated, the availability of a tremendous amount of water for irrigation, the value of the timber that would be harvested from the allotments, and the value of homes and improvements that the allottees had made. Additionally and, perhaps most importantly for the survival of the sqʷaliʔabs/Nisqually people, Ellis found that the appraisers had ignored the value of treaty-protected inherent fishing, hunting, and gathering rights. In regard to fishing, Ellis detailed how the State of Washington had illegally attempted to assert its authority over Puget Sound ʔaciɬtalbixʷ/First Peoples exercising their treaty-protected right to fish outside of reservation boundaries, and how citizens of the state had taken it upon themselves to interfere with these rights as well, sometimes violently. "During the last 50 years the efforts of the courts, officials of the Government, and friends of the Indians have failed to secure them the unmolested enjoyment of this primeval right except in waters wholly within Indian reservations" (Yelm History Project 2010f). In the brewing "Fish Wars," discussed in Chapter 5, we see the

manifestation of structural genocide in the imbrication of the direct violence of harassment, assault, and interfering with subsistence and physical survival; the structural violence of illegal assertions of State legislative and police authority; and the cultural violence of the ideology of Indigenous primitivism as a rationalization for Settler colonial elimination.

At the same time that we see the structural violence of illegal assertions of jurisdiction by the State of Washington, however, we see attempts to inhibit that violence by the federal government.[95] Ellis mentions a number of fishing rights cases which were then being argued in the courts which upheld the treaty-protected right to fish. One case that he doesn't mention, but which is pivotal to understanding these rights as well as the events of the subsequent decades, is *United States v. Winans* (1903) (198 U.S. 371, 25 S.Ct. 662, 49 L.Ed. 1089). The United States had filed this suit on behalf of Yakama Nation members who were being prevented from fishing at off-reservation sites. Justice McKenna articulated the doctrine of reserved right—one of the most important federal Indian law doctrines regarding the interpretation of treaties by the courts: "A treaty was not a grant of rights to the Indians, but a grant of rights from them—a reservation of those not granted […] There was an exclusive right of fishing reserved within certain boundaries. There was a right outside of these boundaries reserved 'in common with the citizens of the Territory'" (*United States v. Winans* (198 U.S. 371, 25 S.Ct. 662, 49 L.Ed. 1089)).

It was the impairment of this exclusive right to fish within reservation boundaries for which Ellis found that Nisqually Tribal members had not been compensated. After the condemnation of their allotments, many sqʷaliʔabs/Nisqually fishermen were "afraid to go away from their reservation to fish and that now those who remain will be molested by the whites from the Army's side of the Nisqually River" (Yelm History Project 2010f). Ellis provided the

[95] This is not necessarily because of the federal recognition of inherent Tribal sovereignty but, like many other cases in which federal pre-emption is found to be operative, because of attempts to strengthen federalism (as opposed to States' rights) by the courts.

testimony of a number of sqʷaliʔabs/Nisqually people and Settler inhabitants of the area regarding the monetary, cultural, and survival value of the salmon caught, eaten, traded, and sold. He notes that:

> Rev. Father DeDecker states that "this fishing privilege (of the Nisquallies) was the most valuable right they lost by being dispossessed of their lands;" that "their main dependence for meat was fish secured by them from the Nisqually River where it passes through the reservation where they fished unmolested and dried large quantities of salmon for winter use during the salmon runs;" that "their daily diet consists mostly of potatoes, bread, and fish, and often when the potatoes gave out it would be only biscuits and fish, principally the latter – sometimes they had little to eat but fish which they caught from the Nisqually," and that, "Most of the Nisqually Indians ate fish daily, in fact if deprived of fish some of them would have nearly starved" [Yelm History Project 2010f].

Ellis argued that the dispossessed allottees were now widely scattered, and that it was impossible to restore rights to them equal to those which they had lost. He found that "neither the county appraisers […] nor the Indian board […] nor the Army board placed any value on the Nisqually fishing right provided by their treaty, which the law does not permit to be transferred to any other place or land" (Yelm History Project 2010f).

Before Ellis had a chance to submit his report, title to the condemned lands was passed by the County to the Department of War on November 15, 1919 (Pierce County n.d.). Secretary of War Baker took it upon himself to make a case for ignoring the pleas of Peter Kalama and the other tribal members to return the illegally condemned allotments. Carpenter (2002) relates that Baker wrote a letter on December 22, 1919 stating that the lands were absolutely essential to the Army for an artillery range, and that:

> Any action by Congress looking to the giving up of this land by the United States and its acquisition from Pierce County or in appropriating money to further compensate the Nisqually Indians is, in my opinion, unnecessary and not warranted by the facts. Such action would surely be followed by similar requests for action on the part of other former owners to such an extent as to cause a large additional outlay of money which is unnecessary and which might ultimately result in the abandonment of the entire [Army] reservation, than which the United States possesses, no better. From a consideration of

> the foregoing, I can but draw the conclusion that the former Indian lands in question should be retained as a necessary part of the military reservation at American Lake, Wash., and that it is neither advisable nor necessary from any point of view that they be returned to the Indians [Carpenter 2002:231].

Baker, in making his assumption that Settlers whose lands had been condemned by the County would petition for, and be awarded, the return of their lands, completely ignores the trust responsibility of the federal government towards Indian tribes and individuals, the trust status of reservation lands, and the continued force of restrictions on allotment sales and encumbrances. Baker also ignores the fact that under state law, the condemnation of Settler-claimed lands was a "legitimate," albeit arguably unjust, transaction, whereas the neither the County nor the State had any jurisdiction over reservation lands, nor over the treaty-protected rights and responsibilities of the sqʷaliʔabs/Nisqually peoples.

On April 28, 1924, almost five years after Ellis had submitted his report, Congress enacted legislation which it hoped would settle the condemnation issue permanently. The statute states, in part, that the additional amount of $85,000 was authorized to be appropriated:

> In full settlement of the claims against the United States of twenty-five heads of families of the Nisqually Reservation in Washington, said sum being compensation for the difference between the appraised value and the compromise price paid for approximately three thousand three hundred acres of allotted Indian land taken for military purposes, and for surrender of treaty rights and removal expenses, as set out in Senate Document Numbered 243, Sixty-sixth Congress, second session, containing the report dated February 28, 1920, of the Acting Secretary of the Interior, pursuant to the Act of Congress approved June 30, 1919 (Forty-first Statutes at Large, pages 3-28) [43 Stat. 111].

There is no monetary valuation that could adequately compensate sqʷaliʔabs/Nisqually people for the violations of their human rights, nor for the legacy of the traumas of dispossession. Not only had they been defrauded of their "ceded" lands through the treaty process, the treaty itself proved to offer very little protection for those lands and rights reserved. Additionally, very damaging language is contained in this statute regarding the "surrender of treaty rights" on the

condemned allotments. The sqʷaliʔabs/Nisqually people had, in fact, not surrendered their reserved fishing, hunting, and gathering rights at all, and continued to be illegally harassed by State citizens and by Army personnel for exercising their inherent rights and responsibilities attendant to subsistence, ceremonial, and commercial fishing.

These inherent rights and responsibilities were proving ever more difficult to freely exercise. The camas prairies of the sčəgʷaliču/Sequalitchew ancestral landscape, the rivers, creeks, wetlands, and kettle lakes that sustained them, the forested uplands within and around them, and the tidelands which ringed their edges, were now fully enclosed by military-industrial interests. As Ellis notes, as discussed previously:

> The first white settlement on Puget Sound was in 1832, when the Hudson Bay Co. established Nisqually House, or Fort Nisqually, near the mouth of Nisqually River on land now part of the Du Pont Powder Works. (Exhibit H.) This land is now surrounded by Camp Lewis cantonment. At the time of this first settlement the Nisqually Band of Indians was *occupying the lands about the mouth of the Nisqually River, and they have lived in that section continuously since then* [Yelm History Project 2010c; emphasis added].

sqʷaliʔabs/Nisqually people, despite all efforts by government and industry, maintained their ties to their illegally condemned allotments, and to the rest of their ancestral landscapes, including that of sčəgʷaliču/Sequalitchew, as noted above be Ellis. The village sites, fishing, hunting, and gathering areas, culturally and spiritually important places and, most importantly, the ancestors whose final resting places are within those lands and embraced by those waters, have never been forgotten. While the DuPont Powder Works was in operation, the guarded gates and barbed wire prevented sqʷaliʔabs/Nisqually people from being able to physically care for the graves of their ancestors at sčəgʷaliču/Sequalitchew. The inhibition of the fulfillment of the responsibilities to ancestors, as well as the desecration of their final resting places, are traumas in and of themselves, as well as being contributory to historical unresolved grief, or "the profound

unsettled bereavement resulting from cumulative devastating losses, compounded by the prohibition and interruption of Indigenous burial practices and ceremonies" (Brave Heart et al. 2011:283). Even were they to have had access to their ancestors, there was certainly no legal protection for these ancestors' skeletal remains and belongings at this time. In 1906, Congress had passed the American Antiquities Act (34 Stat. 225, 16 U.S.C. 431-433), asserting federal ownership over the physical remains, both skeletal and cultural, of Indigenous peoples "discovered" on federal or reservation lands, and establishing for "properly qualified" institutions and "professionals" the unquestioned right to interpret and represent the Indigenous past (Colwell-Chanthaphonh 2005).

> The great North African anti-colonial writer Frantz Fanon described this process as an ongoing dialectic: "Colonialism is not satisfied merely with holding a people in its grip and emptying the native's brain of all form and content. By a kind of perverted logic, it turns to the past of the oppressed people, and distorts, disfigures, and destroys it. This work of devaluing re-colonial history takes on a dialectical significance today" [Alfred and Corntassel 2005:602].

The first in a long line of historic preservation legislation, the Antiquities Act enshrined the notion that Indigenous peoples are not the proper caretakers of our own histories and ancestors, and that rather than Indigenous ancestral remains being treated with the dignity afforded the remains of all other ethnic groups, they are more properly thought of as "artifacts" and "research materials" available for exploitation.

While Peter Kalama was almost certainly unaware of this legislation, he did not want to see any harm come to those dear ones who had been interred on the condemned allotments, and offered some of his acreage free of charge for the establishment of a Tribal cemetery on the western side of the reservation. The Superintendent now in charge of the reservation, W.B. Sams of the Tahola Agency, refused Kalama's offer, and requisitioned some of the settlement monies awarded by the State court to purchase a site on a different allotment (Carpenter 2002). In April

of 1928, Kalama wrote to the Commissioner of Indian Affairs to ask what had become of the monies that had been requested for a reburial fund by Special Supervisor Ellis in 1919, receiving the reply that the bill had never passed Congress. Congress finally re-appropriated the money in the fall of 1929, and the unearthing and reburial of ancestors whose gravesites were still known finally came to pass (Carpenter 2002).

It was during this time that the Nisqually Tribe initially filed suit in the United States Court of Claims regarding the uncompensated taking of their ancestral territories. Since 1855, the Court of Claims has adjudicated cases brought by citizens against the United States (Bernholz and Weiner 2008). "The range of legal topics had been expanded when 'An act to provide for the adjudication and payment of claims arising from Indian depredations' was made into law in 1891" (Bernholz and Weiner 2008:315). Tribes and tribal members now had the ability raise claims, but each claim would first have to be specifically authorized by Congress through a special jurisdictional act (Bernholz and Weiner 2008). On February 12, 1925, Congress had passed legislation enabling Indian Tribes in the State of Washington to bring suit in the Court of Claims regarding compensation for lands taken without adequate compensation (43 Stat. 886).

In 1927, the Puyallup and Squaxin Island Tribes, signatory to the 1854 Treaty of Medicine Creek, joined with Nations signatory to the Treaty of Point Elliot and the Treaty of Point No Point in filing *Duwamish et al. Tribes of Indians v. United States* (79 Court of Claims 530). The Nisqually Tribe filed a separate claim in 1928, "asking $8,900,000 for the lands taken and general accounting" (Carpenter 2002:255). Both the legislatively-articulated purpose of the Court of Claims, and the specific act authorizing Washington tribes to bring suit, ostensibly permitted claims arising from the violations of treaty provisions as well as all "fair and honorable

dealings." In actuality, however the results of the cases illustrate that the Court typically employed a much more restrictive interpretation (Bernholz and Weiner 2008).

> The lawsuit was all about the violations of the promises made in the treat[ies]… However, this was an adjudication proceeding that substantiated the Indian aboriginal lands and rights in dispute. The difficult part of these cases was the fact that the US controlled access to legal representation as well as the historical evidence and documentation acceptable to the court [Lummi Indian Nation n.d.:10].

The Court also limited recovery to monetary compensation which itself was limited to the value as of the date of the taking and stipulated that interest on most claims amounts was not recoverable (Getches et al. 1998).

Three years after filing their case with the Court of Claims, "The Nisqually Tribal Council met in the summer of 1931 to accept 210 members of varying degree of Nisqually Indian blood into the Nisqually Indian Tribe. The council consisted of Willie Frank, Peter Kalama, George Bobb, and Allen Yellout, which constituted a quorum" (Carpenter 2002:251). Carpenter's reference to the "varying degree of Indian blood" of these potential adoptees refers to the blood quantum stipulations contained within the General Allotment Act which, as noted in the introduction to this work, are one of the Settler colonial logics of elimination by which Indigenous identities are regulated and managed. According to Carpenter, these 210 sqʷaliʔabs/Nisqually people had attempted to become enrolled with the Quinault Tribe in 1912:

> An investigation of the conditions leading these people to make applications at this time revealed the fact that many of those making applications for allotments are the children and grandchildren of Indians who have been allotted on one or another of the Indian reservations of Western Washington, but for whom no tribal lands remained for allotment. Another class, and by far the larger class, are descendants of Indian women who married the early pioneers of the country and founded families of mixed-blood "Indians" [Roblin quoted in Carpenter 2002:222].

The Quinault Nation approved the adoption of over five hundred people in April of 1912. "Many applicants, however, did not submit any evidence in support of their claim. Apparently the

Quinault Tribal Council had passed the applicants en masse without offering any explanation for 'adopting' nearly all of those who had applied" (Porter III 1990:118). The Office of Indian Affairs returned the applications and ordered an investigation. The applications were resubmitted in 1913 and still found to be unsatisfactory (Porter III 1990). In 1916, attorney Thomas Bishop "submitted about three thousand applications for enrollment and allotment with the Indians of the Quinault Reservation in Washington. An examination of the applications revealed that more than forty tribes were represented, a significant number of whom had been provided previously with reservations and had received allotments on them" (Porter III 1990:117). On September 16, 1916 the Solicitor for the Department of the Interior issued an opinion limiting enrollment at Quinault to "Fish-eating Indians of the Pacific Coast, south of Neah Bay or Makah Reservation to the mouth of the Columbia River, that is, only those Indians of the tribes or bands on the immediate coast of Washington, and those affiliated therewith; and not all unattached Indians as far east as the Cascade Range," and stipulating that separate showings must be made for each applicant (Porter III 1990:118). This left many individuals without a formally recognized tribal affiliation and led to the application of these 210 people to enroll with Nisqually in 1931.

The 1931 list of sqʷaliʔabs/Nisqually adoptees was forwarded to the Superintendent at the Tahola Agency for approval. The Superintendent, however, took no action and in 1935, a new resolution was enacted by the Tribal Council and sent to the Commissioner of Indian Affairs (Carpenter 2002). "Some of the 210 had gotten tired of waiting for enrollment into the Nisqually Tribe and had formed themselves into the Muck Creek Tribe of Indians" (Carpenter 2002:252). For those that awaited enrollment at Nisqually, however, Commissioner of Indian Affairs John Collier had decided to postpone approval of the adoptions. According to Carpenter:

> He stated that the tribal council did not speak for the other members of the Nisqually tribe, as "it is customary to require the action of the full tribal council on enrollment

> applications." He went on to say that "when the Nisqually tribe organizes under the Indian Reorganization Act, provision should be made in its constitution for the admission of new members, through enrollment or adoption, and thereafter, pursuant to the constitution, the council could consider the applications of such persons for enrollment in the tribe" [Carpenter 2002:252].

The Indian Reorganization Act [IRA] of 1934 (48 Stat. 984, *25 U.S.C.* sec. 461 – 479) was the brainchild of a new generation of social reformers with an entirely new approach to the "Indian Problem." One such reformer was John Collier, who emerged as a leader in the movement to convince Congress to replace polices of assimilation with policies which were intended to support a revival of tribal governing structures and end decades of land loss and forced cultural attrition (Getches et al. 1998).

Despite all of the assaults on their treaty protected rights, the efforts to "pacify" and assimilate them, the loss of lands due to theft, enclosure, and allotment, and the decreasing availability of traditional foods, sqʷaliʔabs/Nisqually people and sqʷaliʔabs/Nisqually cultural teachings and practices continued to be lived and passed down. It is indeed a testimony to Indigenous resilience that "despite decades of military assaults, followed by political and legal efforts to dismantle American Indian tribes during the late nineteenth century, tribal culture and tribal traditions were not completely destroyed by the allotment era reforms and assimilative pressures" (Getches et al. 1998:191). As a result of the efforts of Collier and other reformers, Congress commissioned a study of the socioeconomic, health-related, legal and other conditions faced by Indigenous peoples in the United States in the 1920s. The results of this study were published in 1928 as *The Problem of Indian Administration* (also known as the Merriam Report), revealing decades of failed policies, misspent appropriations, deplorable health and education disparities and living conditions (Kelly 1968-1969). Spurred on by the results of the report and by the tenor of President Roosevelt's New Deal era policies, Congress chose a new direction for

the next phase of federal Indian policy with the nomination of Collier as the Commissioner of Indian Affairs, and the enactment of the IRA of 1934 (48 Stat. 984, *25 U.S.C.* sec. 461 – 479). Among the most important provisions of this act are those that ended the allotment of reservation lands, extended the trust period on allotted lands indefinitely, restricted the alienation of the tribal landbase, and recognized the right for a tribe to organize under a constitution and bylaws (Getches et al. 1998). A radical departure from previous policies of assimilation, the IRA would usher in an era of transformation for the sqʷaliʔabs/Nisqually people.[96]

The IRA established a form of indirect colonial rule and virtually mandated that Indigenous Nations abandon decentralized, often consensual governance structures and adopt a "representational mode, where political conflict and political action within the community became mediated in a radically different way, characterized by the notion of majority rule operating through hierarchical, centralized institutions answerable to the federal government" (Cheyfitz 2003: 227). The IRA established so-called "progressive" tribal council governments on most reservations, in many cases over the objections of "traditionalists" who flatly rejected the IRA and who continued to maintain their hereditary (yet often more democratic) forms of government (Alfred 1999; Cheyfitz 2003; Churchill 1998; Williams 1994). Often times the resulting "tribal councils" were modeled on corporate boards rather than governing bodies, "while all of them derived their authority from and were underwritten by the United States rather than their own ostensible constituents" (Churchill 1998:25). This derivational authority is not the "inherent Tribal sovereignty" as which it masquerades:

[96] Provisions pertaining to the indefinite extension of the trust period on Tribal allotments have in many cases led to the fractionated heirship of allotted reservation lands, perpetual resource extraction, and mismanagement of Tribal and individual tribal members' monies derived from lease arrangements with extractive or agricultural interests. See for e.g. *Eloise Pepion Cobell, et al. v. Bruce Babbitt, Secretary of Interior, et al*., No. Civ. 96-1285 (RCL) (currently denominated as *Eloise Pepion Cobell, et al. v. Ken Salazar, Secretary of Interior, et al*., 96-1285 (JR)).

> Taiaiake Alfred targets 'sovereignty' itself as a logic that presumes and produces apparatuses of colonial rule while precluding distinctive modes of Indigenous governance. So long as Indigenous politics is constrained in this way, he argues, 'the state has nothing to fear from Native leaders, for even if they succeed in achieving the goal of self-government, the basic power structure remains intact'. Addressing a moment in Canadian politics described for Australia by Elizabeth Povinelli as 'liberal settler multiculturalism', Glen Coulthard specifies that the 'politics of recognition' precisely sustains 'the colonial relationship between Indigenous peoples and the Canadian state'. 'Recognition' reproduces within land claims, capital disbursements, and political authority 'the very configurations of colonial power that Indigenous people's demands for recognition have historically sought to transcend'. Citing Frantz Fanon, Coulthard insists that the reproduction of a colonial structure of dominance like Canada's rests on its ability to entice Indigenous peoples to come to *identify,* either implicitly or explicitly, with the profoundly *asymmetrical* and *non-reciprocal* forms of recognition either imposed on or granted to them by the colonial-state and society [Morgensen 2011:64-65; emphasis in original].

I draw on the articulations of these scholars in asserting that the IRA is the centerpiece of contemporary Settler colonialism in the United States.

> It must be understood that the aboriginalist assault takes place in a politico-economic context of historic and ongoing dispossession and of contemporary deprivation and poverty; this is a context in which Indigenous peoples are forced by the compelling needs of physical survival to cooperate individually and collectively with the state authorities to ensure their physical survival [Alfred and Corntassel 2005:599].

Undoubtedly, some traditionally-oriented peoples serve on these IRA governing bodies, while others are put in the position of having to use federal and state environmental and cultural resource protection laws to stop their own Tribal governments from selling off or agreeing to the destruction of the Tribal landbase (Grossman 1995).

In the same year as the enactment of the IRA, the Court of Claims handed down its decision in *Duwamish et al. v United States*. After years of powerful and detailed testimony by more than 150 Indigenous Coast Salish peoples, the Court of Claims dismissed the case in 1934, finding that while the federal government had indeed failed to honor treaty provisions, the Native claimants had, in the eyes of the court, failed to demonstrate the monetary value of their losses, and that any monies that might be due to them would be exceeded by the federal government's

counterclaims of over $2,000,000 for "treaty annuities, post-treaty moving fees, school administration costs, and health care expenditures accumulated during the seventy-five years since the signing of the treaties. Consequently, the court dismissed the case without giving the Indians anything" (Porter III 1990:121-122). The Nisqually Tribe's Court of Claims case, which I have been unable to locate, was similarly dismissed in 1937 (Carpenter 2002).

**Part II: Renewal**

In the years between the condemnation and the enactment of the IRA, Peter and Alice Kalama's family had grown to include eleven children, who were themselves becoming adults and having families of their own. Their daughter Sadie Kalama had met and married a young Puyallup man named Andrew Squally. Andrew was the son of Peter and Elizabeth Annie [Bill] Squally, who were "full-blood Puyallup all the way back through their great-grandparents" (salətˀuƛ̓kʷ̓ Leonard Squally, personal communication 2010). David was a Hereditary Chief who lived out at Wollochet Bay and was remembered by early settlers for his fishing prowess. "David Squally, husband of Annie Squally, away back in territorial days was considered the best drag net fisherman on Puget Sound" (Ross n.d.). Elizabeth Annie Squally was also very well known for her incomparable basket weaving skills: "Some baskets made by Annie Squally were woven so tightly they held water" (Dressler 1984:12A). Two of their sons, Andrew and Peter, had moved out to the Nisqually Reservation as young men, and the Squally and Kalama families, all descendants of Hereditary Chiefs, were joined when Sadie and Andrew married. Sadie and Andrew Squally's first child, a girl named Ruby, passed away at eight months old. On April 4, 1934 the second of their children, Leonard, was born in a little house on the allotment nestled between two trees. Eventually, Sadie and Andrew's family grew to include many children. "Karen was the youngest, then Annie, then Irish [Edward], then Chief [Albert] and Kenny,

Johnny, Lewis, Cook, and I […] We were all born at the house all the way down to Kenny. Chief and Irish they were born in the hospital. That's how they got their names." (salaʔuɬkʷ Leonard Squally, personal communication 2012).

salaʔuɬkʷ Leonard Squally remembers his grandfather very fondly. Sadie and Andrew had built their home very close to Peter and Alice's on the old Martin allotment. "Up on the hill there. Right across from where Cook [his sister] stays, by the maple tree there […] I would go there [to his grandparents' house] when I was six years old. He'd make Grandma get up and cook me breakfast. 'Get up! Sonny's here, Mom!' That's how small I was. It was five o'clock in the morning. I know how small I was 'cuz I could only pack one piece of heater wood" (salaʔuɬkʷ Leonard Squally, personal communication 2012). In his younger days, salaʔuɬkʷ learned a lot about packing heater wood:

> That's all we used to do, all year round. I'd get out of school and my mom or grandma'd say "You go get the wood. You help us. Get the wood." So me and Bud would have to go and pack wood. Pack it to the truck, or roll it to the truck if it was too big. Or we'd split it and quarter it, put it on our back and load the pickup home and bring it down, drop it off and go back and get another one. We had to cut wood for about 4 or 5 hours. We'd get outta school, that's where we'd go. That's where we played on Saturday and Sunday 'cuz my uncle, my dad's brother and my mother's brother would cut wood all day with us. We'd piddle [salaʔuɬkʷ Leonard Squally, personal communication 2012].

Most children living on the Nisqually Reservation today have little sense of what life was like before electricity or running water. "When we were young, that's where we bathed down in the creek. Oh boy was that cold! Go down there and our dad'd take us down there and bar a soap and make us bathe in the creek" (salaʔuɬkʷ Leonard Squally, personal communication 2012).

salaʔuɬkʷ remembers the reservation was still largely farmland with a few scattered homes, many belonging mainly to members of his immediate family:

> There was [a house] next to where…[Leonard's Aunt and Sadie's sister] Blanche and [her husband] Jack [Simmons] stayed in it. It was next to Cook's, by that oak tree there. Then there was that house over there where Blanche has got now. That's where her

> brother [Leonard's Uncle] lived […] He was the oldest. Lawrence. They called him Doc […] There were five brothers, and Blanche, Miller, Lottie, and the twins [Zelma and Zelda]. [Leonard's grandfather Peter] had a two-story house there and next to where my sister's livin' now and he had a bunch of turkeys and I think he had about six horses. He used to raised turkeys and chickens…He had a…there used to be a corral over across from the church right by, behind that fir tree. […] And he had horses and he lost everything when during World War II Canadians come in and turned the horses loose. He lost all the horses [salətʼuṗkʲ Leonard Squally, personal communication 2010; 2012].

As Andrew and Sadie Squally's family grew to include more children, Peter Kalama gave portions of the Martin allotments which he had inherited to Sadie and her sister Blanche:

> We lived in that house 'til I musta been around eleven, twelve years old and my dad built a house up the road there for us. My grandpa give some land to my mother and her sister up the top of the hill. My dad built a house there and we lived there 'til I was a sophomore in high school […] And they had sheep. This is how it all got started this white guy my dad was loggin' with. They'd give her [Leonard's mom] animals all the time. She had a cow, she had a horse, had them pigs. Then they had sheep, about twenty head of sheep. I'd have to go look for 'em. They give her rabbits, she had rabbits. I'd have to go look for dandelions and feed 'em. Everything she had I had to go feed 'em. All the animals that they give her. I had, my dad's brother sheared the sheep in the summertime and my mom would take the wool, use the wool [salətʼuṗkʲ Leonard Squally, personal communication 2012].

Leonard also remembers how his grandfather helped to secure wage work for Native people within the Settler economy, picking hops:

> Up in [the town of] Roy. Pinkus Hop Ranch. My grandfather was in charge of them circles out there. He'd assign tribes to a circle…they were from all over. We used to have a fruit truck in there and he'd make all the circles and we'd catch a ride go to the store. We'd get a ride back, grab some fruit, and jump off. Run back to the hop field and pull out a knife and start eatin' […] We used to work in the hop field, we were, I think we were getting like three, four dollars a day. Get paid and I'd take five dollars out and the rest went to my mother to help put food on the table. For about until I was seventeen and I went to logging camp [salətʼuṗkʲ Leonard Squally, personal communication 2010; 2012)].

Helping his people to survive the changes wrought to their subsistence-based economy, Peter Kalama was an exemplar of resilience. "[T]he resiliency by which AIAN [American Indian/Alaska Native] communities have lived and thrived despite high rates of trauma and colonial practices is a testament to IP [Indigenous Peoples'] strength and abilities to adapt and

survive" (Walters, Beltran, Huh, and Evans-Campbell 2011:166). In some cases survival meant adapting to the material realities of colonization.

For many Tribes, this adaptation entailed the formation of constitutionally-based governance structures under the IRA. After the enactment of the IRA in 1934, the Nisqually Tribe spent a number of years strategizing how best to organize. A recently formed entity calling itself the "Steilacoom Tribe of Indians" also sought to organize under the IRA:

> After considerable deliberation with their attorney, Ray C. Gruhlke, the Steilacoom decided to join with the Nisqually in their attempt to organize. This would allow them to retain members who were less than one-half Indian blood, a requirement imposed by the Indian Reorganization Act. On October 8, 1936, BIA representatives discussed the subject of reorganization and joining with the Steilacoom with Willie Frank and George Bob of the Nisqually. LaVatta notified the Steilacoom that if the Nisqually were unwilling to accept them into their reservation, then it would be necessary for them to submit affidavits to the Office of Indian Affairs. At this particular juncture the Nisqually tribe became embroiled in a fishing rights case in the United States District Court for the Western District of Washington Southern Division. All attention became riveted on this case, *Peter Kalama et al v. B.M. Brennan et al and State of Washington* [Porter III 1990:124].

Despite being one of the leaders advocating for organization under the IRA, Peter Kalama was no advocate for elimination.

Kalama filed suit on March 3, 1937 against the State of Washington, arguing that Nisqually Tribal members fished the river from a place called Windy Canyon down to the mouth and that state officials "interfered with and intentionally deprived the tribe" of their treaty-protected inherent right to fish "with the arrest of members of the tribe, confiscation of their fishing gear and equipment, and placing the members of the tribe in jail and holding them for bail" (Kalama quoted in Carpenter 2002:248). According to Superintendent Bitney of the Tahola Agency in a letter dated December 29, 1939, the judge in the case issued an injunction against the State, enjoining them from interfering with sqʷaliʔabs/Nisqually people exercising their rights to fish and to sell their fish (Bitney quoted in Carpenter 2002:249). Carpenter states that on

November 23, 1942, the order to which Superintendent Bitney referred was dismissed, and that "records are not available as to why it was dismissed but what is known is that the State went full force against the Indian fishing" (Carpenter 2002:249).

As salətʼuƛ̓kʷ Leonard Squally's grandfather Peter Kalama fought for the survival of his people, Leonard was being instructed by his parents and grandparents in sqʷaliʔabs/Nisqually lifeways, handed down through generations of ancestors since time immemorial. He was taught by example about generosity and caring, as well as having deep respect for his Elders. His father would take him visiting with the older people.

> Then when we moved to the upper house they were, my brothers are stayin' there now. They had an old man, they called him George Sam. He lived about a block and a half from us. And they had another old man, Allen Yellout. He lived down where the hatchery is now, Kalama hatchery. My dad used to buy bread and tobacco and I'd have to take it down to him. George Sam he, he'd get tobacco or bread. My dad would get a deer and he'd peel the hindquarter and I'd have to take it down there and give it to him. George Sam was old but he'd still hunt. He'd get his own deer but he come talk to my uncle, my dad's brother, and he'd talk the Native tongue. And my uncle say, "You go with him." And I'd have to go with him and I'd help pack his deer home. It was down the hill. Put the deer on his back and then I'd push him up the hill. The same way with my mom and grandma when they pack fish. My grandma, I'd have a little fish on my back and I'd be pushin' my grandma up the hill too [laughs] with her fish. But every time that I'd take tobacco or bread that dad bought for Allen, he had a two-story house. He had a big orchard there too. Apples and cherries and pears. Every time I'd go down there and take him some whatever he ordered from my dad, my dad was a logger and he'd, my dad tell me to take it down there. So I'd take it down there and he'd always gimme a bag full of apples for me and my brothers. I'd bring home a paper sack full of apples. Sometimes I had to do it walk in the dark on the trail. And there was this two little logs you had to walk across and a creek. You could walk around the road but it was an extra quarter-mile longer. I used to take a shortcut through the creek and I fell off sometimes and I'd be up to my knees. George Sam fished. He had a, about a mile and a half from his house and over the hill. My uncle used to send me down with him and yank fish for him up the hill. I'd pack it up to the top and throw it on the ground and go down and get another sack full. He had an old car and sometimes it run and sometimes it wouldn't. My mom used to let me use her car and I'd go down and haul his fish for him. When I was first learning how to drive. He always, when he wanted something he always come to the house and talk to my uncle, my dad's brother, and they spoke the Native tongue. [salətʼuƛ̓kʷ Leonard Squally, personal communication 2010].

salətʼuṗkʏ̓ Leonard' Squally's mother Sadie also encouraged Leonard to spend time with the older people, and to learn as much as he could about traditional life:

> Mom had a garden at home where Chief's staying now. She used to have strawberries and my dad's mom she couldn't talk no English and she'd go out there and she'd sit pickin' strawberries and pullin' the weeds in the garden. "C'mon sit with me, Sonny." And we'd sit out there and she'd sing Indian songs. My mom said, "Go on sit with your grandma" [salətʼuṗkʏ̓ Leonard Squally, personal communication 2010].

While salətʼuṗkʏ̓ Leonard Squally's mother spoke only English with her children, she understood the important of the txʷəlšucid/Twulshootseed language to who they were as sqʷaliʔabs/Nisqually people, and made sure that they spent time with their fluent grandparents and with language speakers throughout the community, and be instructed in sqʷaliʔabs/Nisqually teachings and lifeways by example.

salətʼuṗkʏ̓ was also exposed to some of the new ways brought to his people by the missionaries in the previous century:

> When we was small we had to go to church every Saturday and Sunday. Friday and Saturday go back there. Pinky's mom had a three-story house that's where that's picture's taken [in the Nisqually Tribal Center]. Pentecostal. She could sing too, boy! All of 'em could sing but none of 'em up here sang. Babe, their sister, could sing. Pinky's sisters. She was my mom's half-sister. Same dad. Yeah, we used to go to church Saturday and Sunday 'til I was about eight, nine years old. Then my halo fell off. Couldn't find it [salətʼuṗkʏ̓ Leonard Squally, personal communication 2010].

Leonard's mother made sure, however, that her son knew about the places of power and teachings pertaining to those places that not all families shared "She told me about that Nisqually Lake. About Elders going there and getting their power from that lake" (salətʼuṗkʏ̓ Leonard Squally, personal communication 2012). Remember that this is one of the glacial kettle lakes spread throughout the scəgʷaliču/Sequalitchew village ancestral landscape and contiguous landscapes now enclosed by the DuPont Company and the United States Army. These are the same glacial kettle lakes which sqʷaliʔabs/Nisqually historian Cecilia Carpenter (1994) describes

as being "the abode of demons" which sqʷaliʔabs/Nisqually avoided. salətʼuṗkʼ did not learn his peoples' history from the accounts of Settlers. He learned it from the people who lived it, and he has lived it himself.

Part of the instruction he received was training in resilience and resistance in the face of great injustice:

> It is important to identify all of the old and new faces of colonialism that continue to distort and dehumanize Indigenous peoples – often pitting us against each other in battles over authentic histories. Colonization is the word most often used to describe the experience of Indigenous encounters with Settler societies, and it is the framework we are employing here. However, there is a danger in allowing *colonization* to be the only story of Indigenous lives. It must be recognized that colonialism is a narrative in which the Settler's power is the fundamental reference and assumption, inherently limiting Indigenous freedom and imposing a view of the world that is but an outcome or perspective on that power [Alfred and Corntassel 2005:601].

Rather than be deterred by the County's illegal condemnation and Army occupation of the eastern part of the reservation, Leonard's father would take him out on the condemned allotments to hunt. The MPs, mounted on horseback, would chase and harass Nisqually people on their own reservation lands:

> My dad used to hunt deer out there all the time […] they [his father and uncle] started takin' me when I was about six years old. He had two dogs. A man and a wife. And he'd hide me in the bush and make the dogs chase the MPs [who were on horseback] away from me. He'd run over the hill and hide and he says, "When I whistle bobwhite, you come runnin'." He'd whistle bobwhite and away I'd go runnin' over the hill and he'd be behind a big fir tree. "Right here, son! Where ya goin'? Huntin'?" [laughter] [salətʼuṗkʼ Leonard Squally, personal communication 2010].

Leonard was also taught by his father and uncles about the condemnation and the history of his people and their places:

> My dad and his brother, Peter Squally. They showed me them homesteads and burial grounds. Back then, I didn't know why they were showin' me. But now I know it was because of what I'm doin' right now. With my ancestors. That's 'cuz I was taught that when I was a kid and I didn't know that I was being taught that. 'Cuz I didn't know that I was gonna end up doing this when I got older. And my dad and uncle knew that. They knew it but they didn't tell me […] There's still burial grounds out there [on the

> condemned allotments]. Out by that rodeo ground [in the town of Roy, on the property where I used to live next to the Impact Area] too [salətʼuṗkʷ Leonard Squally, personal communication 2010].

As noted by Evans-Campbell (2008):

> The culture and family of a tribal nation play a critical role in keeping these memories alive, and the collective aspects and, in some cases, the familial or individual memories held in common within a Native family not only keep the culture, identity, and stories alive, but they also serve, particularly in the case of familial or tribal historical trauma narratives, an important commemorative function to strengthen collective identity, to reaffirm identity and resiliency strategies employed by previous generations, and to provide important narratives of strength and hope for future generations [Evans-Campbell 2008:191-192].

While the narratives of dispossession and the forced abandonment of homesteads, ancestral gravesites, and places of power being shared with Leonard detail a traumatic series of events, it is important to understand that these narratives are not always deleterious to Indigenous well-being.

Leonard's uncles also shared their knowledge of the lands and waters of his people, and how to survive off the bounty that they offered:

> When I was in grade school, 7th or 8th grade, my mom used to make me stay home and go run my uncle's nets. Get through runnin' his nets and then I'd have to run his traps. He trapped beaver and otter and he'd make fish traps and put fish traps in there. In the creek and I'd have to run his fish traps and all his traps. He used to make fish traps out of uh…willow and hazelnut. There'd always be two salmon [decoys] in there, a male and a female […] I'd go help him get pitch off the old growth. The stumps and logs around here was old growth. And then he'd make spears and gaff hooks […] And I used to go down to the river with him at night when I was 10, 11 years old and he'd spear fish at night with a lantern. He only had one eye, but he could spear fish. We'd do that…I did that year after year, til I got til I went to loggin'[…] When I was 9, 10 years old he'd make me sit there an hour at a time and make nets. He was makin' nets out of linen and he'd show me how to hang 'em, showed me how to patch 'em. Anything I learned on fishing I learned from my uncle […] One uncle went up to Alaska fishin' for two, three years and he was the first one that taught the Natives here on the reservation what a gill net was. They were made out of linen. They didn't have, nylon wasn't around yet [salətʼuṗkʷ Leonard Squally, personal communication 2010].

salət̓up̓kʷ̓ Leonard Squally spent a great deal of time learning how to live in relation to the lands and waters cared for by his people:

> That was one good thing about bein' the oldest. They always took me. Mom always made 'em, when they took my dad my mom always made me go with my dad. "You go with your dad and don't let him leave ya. Don't get off down the road and come back home." They used to try to make me get off. "No! Mom told me to go with you." All my mom's brothers liked my dad […] My dad he, when I was about 9, 10 years old he, he taught me how to shoot with a .22. He'd put a lid, a syrup lid. Nail it to the tree over from our house. Big fir tree and he had a .22 with a clip in it. He could even shoot a rifle upside-down. He was good. Him and his brother, his older brother, they were good shots and they were both good fishermans. Like I said we come from the salmon family […] He'd get two or three deer and he'd cut 'em up and give 'em, quarter 'em up and give 'em to the family. Boned hindquarters. I think I was twelve or thirteen when I shot my first deer. I had to pack it home a mile and skin it and quarter it up. My uncle showed me how to do it. My dad showed me how to skin. He always says, "I'm only gonna show this to you one time, kid."
>
> Then I used to go hunting with my uncle. I had a dog that my mom's half-sister give me. And it was a long-haired terrier and my uncle taught him how to chase the deer back, bring the deer back to him and he'd shoot it. One time we was going and we hit this big mud puddle. We seen dog whipped up fresh tracks in there. He…dog would get excited and my uncle finally told him "Well, go get it then!" He'd take of runnin' and he'd say "Follow your dog." So I'd run, follow my dog. I couldn't keep up with him but when I did catch up to him, he had a two-point buck by the throat. It was standin' on its hind legs twirlin' around tryin' a throw my dog and my dog hung onto his throat and wouldn't let go. He finally dropped and my uncle caught up to us. He says, I had a .22 and he says, "Now, go shoot it in the head. And don't shoot your dog." [laughs] So he called my dog. I went over and shot it in the head with a .22. That was my first deer I got. Me and my dog. He was all white. I call him Sandy. Then I had another dog. It was half German shepherd and half coyote. My uncle taught him how to hunt [salət̓up̓kʷ̓ Leonard Squally, personal communication 2010; 2012].

Off the banks at sčəgʷaliču/Sequalitchew, one of Leonard's uncles would take the children out to catch flounder. "When I was young, my uncle used to take us and we'd take our shoes off and feel around for 'em with our feet" (salət̓up̓kʷ̓ Leonard Squally, personal communication 2010). Across from the mouth of sčəgʷaliču/Sequalitchew Creek were the rich clam beds of Anderson Island:

> When I was 10, 11 years old my mother's oldest brother and my dad's oldest brother, he was older than my dad. My uncle'd say, "C'mon kid!" We'd go down the river and get in

> my uncle's canoe and out the bay we'd go over to Anderson Island. Dig 5 potato sacks full of clams and come back home […] It was my mom's younger sister and her husband they'd say, "C'mon let's go!" Anderson Island we'd go again. We had a good clam bed over there. I'd dig 4, 5 sacks of clams and we'd distribute 'em all through the family. That's how we lived [salətʼuƛ̓kʷ̓ Leonard Squally, personal communication 2012].

It wasn't only the Squally and Kalama men who taught Leonard about survival.

> My grandma had a net. My mom had one. I used to set Mom's […] I started when I was about eleven, twelve years old. I had to run my mom's net. She fished down below and my grandma used to pack fish and I'd have to get behind her and push her up the hill. Then Roy…he got me and Bud to pole the canoe back up the river with about fifty fish in, forty fish in […] We'd have to pole a load of, a canoe load of fish up on, about a mile up the river. And my mom and grandma wouldn't have to pack 'em up the hill. We packed a lot of fish up that hill there. My grandma and my mom and I used to take 'em down there at night. Pole down half or quarter of a mile down to lift the nets at night. And I'd pole back up with the fish and throw the fish off in the truck then go back over and pick up my grandma and mom and pole 'em back over. Fish with mom and grandma. And we'd load up the rest of the fish and come home. Get up the next morning and do the same thing. Go down, run the nets. We run 'em twice a day. Once in the morning and at night. Or three times. I'd get down there and my mom would get in the canoe with me and help me take the fish out. And I'd lift one, pull a net out and take it to shore and my grandma'd take the fish out. And when I got, when me and my mom got through liftin' nets, throw the fish up on the bank and I'd put here net in the canoe and line it, set it back out or throw the fish in and then I'd have to pole it back up about a quarter of a mile up. Throw the fish off and go back across and pick up my grandma. We'd do that all winter. Winter after winter.
>
> My mom and grandma'd drive their truck up. I'd fish all year 'round. We'd pack 'em up and sell 'em to the buyer. We'd get ten cents a piece. . At night we'd pole up the river about three, four miles and make a couple drifts up by the power plant and we'd load up with King salmon. Come down with a canoe load of fish, tie it up and walk home and get my mom's car and put tarp in there and throw the salmon in there and had to haul 'em to south Tacoma to the fish buyer to sell 'em. We'd take $25, $20 apiece. We'd give the rest to my mother. That was where we made a little income in the summertime. King salmon and coho, chum salmon [salətʼuƛ̓kʷ̓ Leonard Squally, personal communication 2010; 2012].

salətʼuƛ̓kʷ̓ Leonard Squally's mother and grandmother also taught him how to care for the salmon that they caught, showing him how to:

> Put 'em in the cedar barrels and salt 'em. There was smokehouse up there and I had to stand on a chair, hang 'em up. My mom and grandma's strip 'em into strips. Put about four to a stick and I had 'em, lay 'em on the table and when it get full I'd have to take 'em over, pack 'em over, get a chair, and I'd stand on the chair, hang 'em up. Until the

> smokehouse got full. We'd fill two smokehouses and then they'd salt the rest. I had to wash 'em and scrape, I'd have to scrape the slime off 'em and then they'd put 'em in a barrel and salt 'em. Then when the fish got done, took 'em out. Then I had a big wash cloth and a big pail of water and I'd have to wash all the salt off 'em. And scrape the slime again, wash 'em off. They my mom and my grandma would strip 'em again. Put 'em on sticks and use the same sticks. They had a table out there, chair. I'd have to build a fire. I'd stay there and watch it for a while. Ya smoke salmon ya gotta keep a fire in there all night. That way your salmon turns out real good. It's soft. Gets hard when you smoke it and you let the fire go out. Tends to get hard but if you got fire goin' all the time it stays soft. Green alder and maple. When they used maple, my dad used to cut the bark off the maple 'cuz it had moss on it, make it real strong. Put at least thirty, forty fish in there. They had two nice, big smokehouses. Made outta regular board but the roof was cedar shakes [salət̓up̓kʷ̓ Leonard Squally, personal communication 2010].

Learning to survive living along the river wasn't just about food:

> Roy pushed me out in the middle of the goddamn river [in a canoe] and "You either learn, or you swim!" And his younger brother, younger than him, he'd swim across the river and help me pole the canoe back up. "You learn damn quick." I was six, seven years old when he throw me in and I come out bawlin' and he'd throw me in again. Vic Wells used to tell him "Roy, don't you get tired of makin' them kids bawl?" [laughter] And then his younger brother Pat. He picked me up and walked out with me chest deep and he says "Now, call your dog out here." And I'd call my dog and he'd swim, dog-paddle around. "Watch your dog, how he swims and you swim the same way." That's how I learned [salət̓up̓kʷ̓ Leonard Squally, personal communication 2012].

No matter how hard the family worked, there was always time for fun:

> We used to get the lid off the washin' machine and slide down that sawdust. One time my brother hit a tree and he, he hit pretty hard so he start cryin' and he quit. Me and my other cousin there, we kept it up though. Then my uncle built a flume down there, lower, to slide the wood down there. We used to get a piece and slide down that flume and he told us we's gonna get a sliver in our ass. So that ended that. We had to throw the wood on that and slide, slide down that flume and go in the creek and pick it out of the creek and throw it up on the bank [salət̓up̓kʷ̓ Leonard Squally, personal communication 2010].

Another vital factor in the resilience of salət̓up̓kʷ̓'s family and, in fact, the resilience of all Indigenous peoples whose lives have been impacted by genocide and colonization, is humor:

> I had four uncles in World War Two. The oldest one was Jack. Jack Kalama, Fred Kalama, Roy Kalama, and Pat Kalama. They were all overseas except Fred and they all used to write to me. I was eight years old. I'd write back to 'em. I'd send 'em little crumbs of smoke fish. They'd write home and get mad at me. "Quit teasin'!" They'd write back and gimme hell. "You're just makin' us hungry for smoke fish!" [salət̓up̓kʷ̓ Leonard Squally, personal communication 2010].

Leonard has always been known as a tease and a prankster, even as a child:

> Yeah when we moved to the, our second house up on the hill where my two brothers are living now, my dad had a bunch of pigs. He had about twenty of 'em. And I had to take care of 'em. And my brother, I had a sister and another brother. They used to watch me all the time. I put my brother in the pen there and I put him on a pig and that pig run and hit a stump and knocked him off. Oh, he started cryin'! He was bawlin'! My sister run and told my dad right away. I told him, "Shut up! You're gonna get me a whuppin'!" My dad come out and hollered at me, "What are ya doin' to your brother?" And I says, "Oh, I put him in the pen. The pig knocked him down." "Yeah, you put him on a pig's back." Then I got mad at my sister for tellin' on me. Everything I did she'd always tell on me. She didn't know what an angel was [laughs].
>
> The cow used to get loose and I'd have to go chase it. Run about two or three miles from the house. I'd find it. My dad say, "You go find that cow." My dog, I had my dog with me. I'd tell him, "Go get it!" And he'd go and grab the rope and bring it back to me. I'd have to walk the cow home and I'd get home and he'd tell me to milk it. My brothers and sister used to stand behind me and they'd laugh. And I'd squirt 'em with that milk. And my sister run and tell on me. My dad come out and chew me up again. "I told you to milk that cow! Quit squirtin' your brothers and sister." My sister she didn't know what a angel was [laughs] [salətˀuƛ̓kʷ̓ Leonard Squally, personal communication 2010].

This was the life of a young Nisqually man, descended from Hereditary Chiefs, in the 1930s and 1940s. He was raised in a time when the native runs of salmon were still thick in the rivers: "There used to be a military bridge down there at the Landing. Wa He Lut School. You'd go in there and that river was just black with schools of salmon. Just black. You'd stand on that bridge and see all them salmon. Just black. Real black. That's how it was, how heavy it was. How big of a run it was" (salətˀuƛ̓kʷ̓ Leonard Squally, personal communication 2010). salətˀuƛ̓kʷ̓ Leonard Squally learned to care for and depend on the bounty of his peoples' homelands and waters, and has passed this knowledge down to the next generation. "And we come from the salmon family and then my nephews, I showed 'em how to hunt. I showed 'em how to get the animal and skin it. And I say, 'I'm only gonna tell you, just like my father. I'm only gonna tell you one time.' They all come from good hunters" (salətˀuƛ̓kʷ̓ Leonard Squally, personal communication 2010).

The great cultural wealth of salətʼuƛ̓kʷ Leonard Squally's family, and its intergenerational transmission, has been a vital factor in their resilience. Leonard also learned about the great strength of his people, and their persistence in the face of attempts to annihilate them culturally and politically. The Nisqually people would not be deterred in fighting for their rights, although the weapons chosen in the battle were sometimes internally disputed:

> To the crowd of people who met on July 27, 1946, at the Grange Hall in Lower Nisqually only 17 of the possible 37 eligible voters voted to accept the Constitution and By-laws of the Nisqually Indian Tribe. A tribal election was called to be held on November 7th, 1946, for the election of officers. At that time, Paul Leschi was voted in as Tribal Chairman, John Bobb as Vice-chairman, Edna Mounts as Secretary, and Will Frank as Treasurer [Carpenter 2002:254-5].

Provisions pertaining to tribal membership in the Tribe's new constitution allowed for the enrollment of the 210 people who had been awaiting the approval of the Commissioner of Indian Affairs regarding their adoption. "Only the powers-that-be didn't remember or just didn't want those people in the tribe" (Carpenter 2002:255). No action was taken for many years regarding the enrollment of these sqʷaliʔabs/Nisqually descendants.

On September 9, 1946, the Bureau of Indian Affairs approved the Nisqually Tribal Constitution under the Indian Reorganization Act. Chief Peter Kalama would not be there to help lead them. Leonard's grandfather passed away on June 6, 1947. He never spoke with Leonard about the heartbreak of the condemnation. salətʼuƛ̓kʷ Leonard Squally's father, Andrew Squally, son of Puyallup Hereditary Chief salətʼuƛ̓kʷ David Squally, passed away in 1949:

> I think he was forty-nine when he passed away. 1949 and he was forty-nine years old. He had stomach cancer. 1949. That's when they didn't know what cancer was. 'Til after he died. Mom took him to Seattle, Chinese doctor and everything. Tried acupuncture on him. They couldn't find out what's wrong 'til after he died. […] Then my dad's oldest brother Pete, he took care of us. He had arthritis. He was old. Some days, he couldn't move. That's when my mom would keep me home from school, go down run his nets and his trap. I had to go with him when he was, when I'd get out of school we'd go down and he'd show me all his traps where he had 'em set. And he had two or three fish traps in the

> creek. They always had a male and a female in there [salətˀuṗkʷ Leonard Squally, personal communication 2010].

With the loss of his grandfather and his father, salətˀuṗkʷ Leonard Squally assumed the primary responsibility of caring for his mother and siblings alongside of his paternal uncle. For a sophomore in high school, this is a tremendous responsibility not easily balanced with academic demands.

> I played sports and I was flunkin' the typing. I had this girl named Dixie. I used to make her do my typing reports. Turn 'em in and the teacher'd say, "I know you didn't do this Leonard, but I'm gonna pass you anyway 'cuz you play sports." I was a sophomore in high school. I got kicked off the football team and the principal put me back on. And I did the same thing my sophomore year. I got kicked off football, kicked off basketball. When I got kicked off the baseball it was just about the end of the season, one or two games. I said that was it. I quit school. […] Then the coach made two trips to the house there, my mom's. Tried to talk me into goin' back to school. "What makes you think we're gonna get along again?" He sent my friend over that I run around with. Butch McCloud. He tried to talk me into going back to school. Roy, my uncle, my mom's brother, tried to talk me into goin' back to school, to stay in school. But again, I'd have to look for my halo [salətˀuṗkʷ Leonard Squally, personal communication 2010].

In 1951, at age seventeen, salətˀuṗkʷ Leonard Squally quit high school and joined a logging crew to supplement his family's fishing income, traveling throughout Washington, Oregon, and California.

> Mom and grandma had a set. And as I got older I had a set and I give it to her [his mother] and I make my money driftin'. Then I'd find a steelhead set. I had a good steelhead set. My mom's brother and Vic Wells used to steal my steelhead from me. The reason I find out is Tommy used to go with 'em. "Yeah, they got some good steelhead outta that net." "Yeah, that's my net!" "Oh! I thought it was theirs! That's your net?" "Yeah, that's my net." I just had a net. I made an L-shape. I used to get eight, ten, fifteen steelhead in there. […] I'd fish all year 'round. We'd pack 'em up and sell 'em to the buyer. We'd get ten cents apiece. I logged until dog salmon fishing season. November [salətˀuṗkʷ Leonard Squally, personal communication 2012].

Life was changing for this young descendent of generations of Hereditary Chiefs, and would take him on travels far outside of his ancestral homelands and waters, much as his great-grandfather John Kalama, and his grandfather Peter Kalama had traveled before him.

**Part III: Reconfiguration**

Life was also changing dramatically during the post-World War II era for Indigenous peoples across the country. In 1946, Congress passed an "Act to create an Indian Claims Commission [ICC]" (25 U.S.C 70), which removed the requirement, discussed earlier, for express Congressional authorization for Tribes to bring suit against the federal government regarding treaty and other violations (Bernholz and Weiner 2008). The Congressional intent behind the legislation was threefold:

> First, the Act was to eliminate the injustice of denying Indians the opportunity to bring suits directly before the Court of Claims […] Second, Congress provided a forum for Indian claims to encourage Indians to sever their tribal ties and to become assimilated into American society […] Third, Congress intended the ICC to accommodate all Indian claims with finality, so that Congress could be rid of cumbersome Indian claims forever [Orlando 1986:254-255].

The ICC was empowered by Congress to hear five classes of claims made by groups recognized as having standing:

> The Commission shall hear and determine […] (1) claims in law or equity, based on the Constitution, laws, treaties of the United States, and Executive orders of the President; (2) all other claims in law or equity, including those sounding in tort, with respect to which the claimant would have been entitled to sue in a court of the United States if the United States was subject to suit; (3) claims which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, unconscionable consideration, mutual or unilateral mistake, whether of law or fact, or any other ground cognizable by a court of equity; (4) claims arising from the taking by the United States, whether as a result of a treaty or cessation or otherwise, of lands owned or occupied by the claimant without the payment for such lands of compensation agreed to by the claimant; and (5) claims based upon fair and honorable dealings that are not recognized by any existing rule of law or equity [25 U.S.C.A. sec 70a].

The Act recognized "any Indian tribe, band, or identifiable group" of descendants as having standing to assert claims (Orlando 1986:252). Tribes or groups were given five years from the date of enactment to file claims, and ICC decisions could be appealed by either party to the Court of Claims and, if necessary, the Supreme Court (Orlando 1986). The Act provided that "when the

Secretary of the Interior determined that one tribal organization was authorized to represent a group, that organization was recognized as having an exclusive privilege to represent that group before the ICC" (Orlando 1986:252; Porter III 1990)). The Act further stipulated that attorneys hired by claimants were subject to the approval of both the Commissioner of Indian Affairs and the Secretary of the Interior (Orlando 1986).

> A lawyer who handled a landmark Indian case in the Supreme Court contends that the United States also had a clear incentive not to vigorously contest the claims of tribal ownership presented to the ICC because upon extinguishment of Indian title, the United States would obtain clear title to the land at nineteenth century prices. In other words, "there was a unity of interest in the ICC between the claims attorneys and the government to agree that the Indians' lands have been taken, and that consensus saved the ICC the work of determining if, when, and how each tract was taken" [Parker quoted in Smith and Newman 2009:483].

Additionally, attorneys were paid on contingency, being compensated in proportion to the amount that Tribal claimants were awarded, giving attorneys "a clear incentive to prove that land title had been extinguished to significant amounts of land" (Smith and Newman 2009:483). ICC attorneys "also had incentive to conclude cases expeditiously, as research and multiple motions and briefs seldom resulted in major increases in the size of awards (Dr. John Welch, personal communication 2012).

While Congressional intent and the letter of the law within the ICC legislation were broad enough to encompass a variety of claims, the ICC and the Court of Claims applied a rather restrictive reading of clauses. Most claims filed pertained to disputes about land, and a smaller number pertained to the failure of the government to fulfill treaty stipulations and to the federal mismanagement of tribal funds (Danforth 1973). Arguably, the most important reason for the limited variety of claims pursued was the interpretation of provisions pertaining to compensation. "The Act seemed to empower the ICC to grant equitable compensation, in the form of fee simple title to the land in question. Despite this implicit recognition of equitable

claims, the wording of the Act also implied that Congress intended to limit the remedy available to monetary compensation" (Orlando 1986:253). Additionally, recovery was limited to the value as of the date of the taking, interest was inapplicable to claims pertaining to takings of unrecognized title, and in regard to recognized title, interest was to be simple rather than compound (Getches et al. 1998). Intended to be a "final solution" to Indian land claims, where the ICC determined that compensation was due, "a final claims award precludes a tribe from asserting that no taking ever occurred and that the tribe continues to own the land" (Getches et al. 1998:282). Once a Tribe accepted a settlement, they had no remaining grounds for asserting any claim to their ancestral homelands outside of reservation boundaries.

The Nisqually Tribe filed their ICC claim, discussed in the next chapter, in 1951. The ICC bears mentioning now, however, because the establishment of the ICC inaugurated the dawn of a new era in federal Indian policy: Termination. During the Termination Era, Congressional efforts to "solve" the "Indian Problem" shifted toward a call for abandonment of tribal federal relationships altogether, seeking a reorientation of "federal Indian policy to align with Cold War ideologies of national unity, anti-Communism, and cultural homogeneity" (Kelly 2010:1). The reorientation of federal Indian policy during the Termination era:

> regarded as a low point in United States-Indian relations, did no more than reflect the dominant culture's belief in the superiority of its culture. Americans, many of whom had been assimilated from diverse cultures within one generation, generally were unwilling to accept the American Indian tribes' failure to adapt after several hundred years. Policy makers reasoned that the more Indians were given any kind of special treatment, the less likely they would be to adopt the ways of the dominant culture. Thus, assimilationists were opposed to according Indians any special legal status [Newton 1980:1250].

In 1953, Congress enacted House Concurrent Resolution 108, unilaterally declaring a number of Tribes as ready to be "freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians," and a "termination plan" was developed for each

(Getches et al. 1998:205-206). Rather than base this determination of "readiness to be freed" on the actual sociopolitical and economic conditions of Tribal Nations slated for termination:

> The massive record of testimony on the termination bills is perhaps most surprising for what it fails to contain. In more than 1,700 pages of testimony there is no statement by a sociologist, and anthropologist, a social worker, or anyone else trained in the social sciences. Although most reservations have been studied by social scientists concerned with Indian acculturation, the only evidence presented to the committee was a letter from an economics student who had spent a summer on one reservation. Academics failed to either participate in the hearings or to submit written statements for the record [Orfield quoted in Getches et al. 1998:207].

Apparently, data was not necessary to the determination that a Tribe was "ready" to have the last of their remaining lands seized and the spurious protections of their federal "guardians" cast aside.

Termination policies were a virulent reaction to the continued exercise of inherent Tribal sovereignty:

> The assertion of Native autonomy threatens to disrupt the U.S. territorial/jurisdictional imaginary and that potential rupture is contained by the citation of [American federal] "sovereignty"—a concept whose substance keeps shifting and out of which emerges statuses and classificatory schemes that determine the institutional legibility of Native identities and claims. That process of exceptionalization has no check—the "plenary power" or "overriding sovereignty" of the United States is taken to license complete control over native collectivities, including in what ways and to what extent, if any, they in fact will be recognized as collectivities (never mind as self-determining polities) [Rifkin 2009:113].

Elements common to all termination plans included changes in land ownership patterns and the alienation of the tribal land base; an end to the trust relationship between the tribe and the federal government; the imposition of state legislative jurisdiction and judicial authority, an end to exemptions from state taxing authority; an end to all special federal programs to both tribes and individuals; and the effective end of tribal sovereignty (Getches et al. 1998:210-211).

> The containment of Indian groups within Euroamerican society that culminated in the end of the frontier produced a range of ongoing complementary strategies whose common intention was the destruction of heterodox forms of Indian grouphood. In the post-World

> War II climate of civil rights, these strategies were reinforced by the policies of termination and relocation, held out as liberating individual Indians from the thralldom of the tribe, whose compound effects rivalled the disasters of allotment. A major difference between this and the generality of non-colonial genocides is its sustained duration [Wolfe 2006:400].

No tribes in Washington were affected by this act. Washington tribes were, however, affected by legislation enacted by the same Congress with similar aims of "solving" the "Indian problem" through the destruction of tribalism. With the passage of Public Law [P.L.] 280 in 1953 (18 U.S.C. sec. 1162), "Congress took the unprecedented step of passing general legislation extending state and civil criminal jurisdiction into Indian country" for those states who wished to assume them (Getches et al. 1998:208). Similar to the Major Crimes Act, P.L. 280 and the state-level legislation enacted under its aegis are examples of the "interposition of [Settler colonial] justice between Native persons and their constitutive communities and the reconstitution of Indian Country as a governable space" (Olund 2002:137-138).

While there was no provision within P.L. 280 pertaining to tribal consent, in 1957 Washington State enacted a statute (Laws of 1957, ch. 240, sec 2 (RCW 37.12.021)) and established a procedure by which Tribal councils had to pass resolutions expressing their agreement to state jurisdiction, and forward the resolution to the governor, who was then required to issue a proclamation asserting jurisdiction (*State v. Squally*, 937 F.2d 1069 (1997)). A member of the Nisqually Tribal council crafted and signed such a resolution allowing the assertion of general civil and criminal jurisdiction by the State a short time later. "See, my Aunt Mildred [Mildred Kalama, salətʼuṗkʷ Leonard Squally's maternal aunt] when she was chairman, she's the one that helped the State put their foot in the door…Yeah, she let the county come in. She didn't never have the authority to let them come in. It was up to the General Council and there was no vote on it" (salətʼuṗkʷ Leonard Squally, personal communication 2012).

Regardless of this illegality, the Governor accepted the resolution, and the State assumed civil and criminal jurisdiction over lands described therein. "Congress hoped through legislation to deprive the Indians of separate sovereignty and to subject them, and their land, to the same state sovereignty as non-Indian state citizens" (Newton 1980:1250). Fortunately for the survival of the sqʷaliʔabs/Nisqually people, and all Tribes who came under its reach, Public Law 280 did not "deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under any Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof" (18 U.S.C sec 1162). While the bar to state assertions of jurisdiction over treaty-protected inherent rights and responsibilities in clear within P.L. 280, the State of Washington has continued to attempt to assert such illegal jurisdiction up through the present day, as will be discussed in detail below and in subsequent chapters.

In addition to these legislative efforts to "terminate" the status of tribes during this period, we see a radical redefinition of Indigenous rights to property unfolding within a line of U.S. Supreme Court cases. In *Northwestern Bands of Shoshone Indians v. United States* (324 U.S. 335 (1945)), an ICC case which had been appealed to the Supreme Court, the Court began to differentiate between Indigenous rights to land arising from "recognized title," or "a recognized right of occupancy" confirmed by treaty, and "aboriginal or Indian title," which the Court found to be only "the right because of immemorial occupancy to roam certain territory to the exclusion of other Indians," hardly a form of land tenure viewed as legitimate by the colonizer:

> The state's performance of its redemption from a violent colonial past depends on the embrace, or more accurately invention, of a version of aboriginality that is consistent with the moral norms of settler-state law yet still strange enough to generate the frisson of

> diversity/discrepancy, creating the thrill of Indigenous authenticity while not validating acts or ideas "repugnant" to the sensibilities of non-native citizens [Rifkin 2009:105].

In one of the clearest statements regarding the federal delegitimation of "repugnant" Indigenous land tenure systems, the Court declared that "Ownership meant no more to them than to roam the land as a great common, and to *possess and enjoy it in the same way that they possessed and enjoyed sunlight and the west wind and the feel of spring in the air.* Acquisitiveness, which develops a law of real property, is an accomplishment of only the 'civilized'" (324 U.S. 335 (1945); emphasis added).

The following year, the Court decided the case *United States v. Alcea Band of Tillamooks* (329 U.S. 40 (1946)) [*Tillamooks I*] and the plurality opinion of the Court held "that a taking of aboriginal title was compensable," rejecting "the government's defense that compensation was required only for a taking of recognized title" (Newton 1980:1229). As a consequence of this case, the Tillamooks were "awarded more than $3,000,000 with interest from the date of the taking" by the Court of Claims (Newton 1980:1231). The federal government appealed the decision, arguing that the Tillamooks were only owed compensation for the value of the lands at the time of the taking, as "*Tillamooks I* was based on a congressional directive to compensate the Indians for the taking and not on the fifth amendment" (Newton 1980:1231). I will return to the appeal, *Tillamooks II*, below, while noting here that in his dissent to *Tillamooks I*, Justice Reed disagreed with the Court's rejection of "the government's defense that compensation was required only for a taking of recognized title," asserting that since the days of the Marshall trilogy of decisions discussed in Chapter 2, two types of Indian title had been recognized: "[F]irst, occupancy as aborigines until that occupancy is interrupted by governmental order; and second, occupancy when by an act of Congress they are given a definite area as a place upon which to live" (*United States v. Alcea Band of Tillamooks* (329 U.S. 40 (1946), 57)).

Three years after the decision in *Tillamooks I,* Justice Reed, in a footnote in the case *Hynes v. Grimes Packing Company* (337 U.S. 86 (1949)), stated that "*Tillamooks I* did 'not hold the Indian right of occupancy compensable without a specific legislative direction to make payment'" (Newton 1980:1235). The Court's decision in *Tillamooks II* (*Alcea Band of Tillamoooks v. United States* 341 U.S. 48 (1951)) built on Reed's fabrications and reversed the Court of Claims decision in *Tillamooks I*:

> The only possible interpretation of the Court's opinion in *Tillamooks II* was that a taking of aboriginal title was compensable as a claim created by the jurisdictional act. This interpretation implies that a taking of aboriginal land is not compensable in the absence of the creation of such a claim by Congress. Since the Indian Claims Commission Act gave the Court of Claims jurisdiction only over existing legal and equitable claims against the government, *Tillamooks II* gave a strong warning that post-1946 takings of aboriginal title would not be compensable, thereby paving the way for *Tee-Hit-Ton* [Newton 1980:1231-1232].

*Tee-Hit-Ton v. United States* (348 U.S. 272 (1955)) is one of the most important federal Indian law cases ever decided, particularly as it relates to "the constitutional rights of Native Americans to their aboriginal land" (Newton 1980:1215).

Unfortunately for Indigenous peoples, *Tee-Hit-Ton* is also one of the most racist and damaging federal Indian law cases of all time:

> "Every American schoolboy knows," Justice Stanley Reed declared for a six-person majority, "that the savage tribes of this continent were deprived of their ancestral ranges by force and that, even when the Indian ceded millions of acres by treaty in return for blankets, food and trinkets, it was not a sale but the conqueror's will that deprived them of their land" [Williams 2005:xxiii-xxiv].

Decided just one year after the landmark civil rights decision in *Brown v. Board of Education* (347 U.S. 483 (1954)), *Tee-Hit-Ton* used the racist language of Indian savagery and "turned it into a generalized interpretive principle for understanding the legal history of all the treaties ever negotiated by any Indian tribes by the United States" (Williams 2005:xxiv). The Court held that Alaska Native Nations "had no right to be compensated under the Fifth Amendment of the

Constitution when the United States unilaterally took their lands away from them," because these lands were "merely" held under "aboriginal title" (Williams 2005:xxiii-xxiv). The Court in *Tee-Hit-Ton* judicially rendered Indigenous ancestral landscapes, and the complex land tenure systems and interrelationships within them, as nothing more than *bare habitance*, to be recognized as legitimate solely at the "whim of the sovereign" (Newton 1980).

"*Tee-Hit-Ton* provides a rule of law that, if unchecked, may be used to justify other arbitrary congressional action in derogation of Indian tribal rights" (Newton 1980:1217). Such abrogations of treaty provisions and assertions of unfettered and Constitutionally-unfounded congressional plenary power over Indian affairs "foreground the very unilateral will—the theoretically limitless imperial violence—on which U.S. territoriality rests, exacerbating the very structural crisis of legitimacy the topos of sovereignty works to dissimulate" (Rifkin 2009:106). The state of exception into which First Peoples and Nations, and the ancestral landscapes which have been under our care since time immemorial, are cast through the machinations of federal Indian policy, "creates a monopoly on the legitimate exercise of legitimacy, and exclusive uncontestable right to define what will count as a viable legal or political form(ul)ation" (Rifkin 2009:91). Simultaneously, the persistence of Tribes as sovereign political entities, raises "political and legal questions that threaten to undo the geopolitics of the settler-state" (Rifkin 2009:106).

This state of exception, rendering Indigenous nations both within and outside of the juridical order, finds crystallization in the "political question" doctrine, most clearly articulated in *Lone Wolf v. Hitchcock* and fully embraced by the Court in *Tee-Hit-Ton*. "Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial

department of the government" (*Lone Wolf v. Hitchcock* 187 U.S. 553, 23 S.Ct. 216, 47 L.Ed. 299 (1903)). The *Lone Wolf* Court's unilateral declaration that Congressional authority over Tribes is not subject to scrutiny by the Courts was embraced by Justice Reed in *Tee-Hit-Ton* who "asserted that the decision of Congress to recognize aboriginal title was not subject to judicial review" (Newton 1980:1244). Additionally, by adopting the distinction between "recognized title" and "Indian or aboriginal title," the Court in *Tee-Hit-Ton* "not only made an unwarranted break from the prior deferential treatment of Indian title by the Court, but undermined what traditionally had been regarded as a form of ownership having the characteristics of a legal property right" (Newton 1980:1252). *Tee-Hit-Ton* then goes further than the Marshall Trilogy in serving to render Indigenous land tenure systems as illegitimate and savage, as *bare habitance*. Further, "*Tee-Hit-Ton* established that only recognition by Congress results in recognized title. Although several presidents have created reservations by executive order, these reservations are not protected against confiscation unless Congress subsequently has recognized the tribe's right to the land" (Newton 1980:1257-1258).

In the wake of *Tee-Hit-Ton*, the ICC attempted to mobilize the Supreme Court's rendering of Indigenous land tenure systems as illegitimate:

> Three of the five classes created by the Claims Act could be applied to a land claim: clause 1, for claims based on the Constitution; clause 3, for claims involving treaties; and clause 4, for claims that land "owned or occupied" by Indians had been taken. […] Shortly after *Tee-Hit-Ton* was decided, the government argued that the three relevant land claims under the Claims Act, passed nine years before *Tee-Hit-Ton*, had been intended to relate only to claims based on title recognized in the *Tee-Hit-Ton* sense. Under this interpretation, many tribes would be prevented from recovering anything for either unjust land transactions or absolute confiscations of their aboriginal land. Fortunately, the argument was rejected in *Otoe & Missouria Tribe v. United States* (131 F.Supp. 265 [Ct. Cl.], cert. denied, 350 U.S. 848 [1955]) [Newton 1980:1256].

While the Supreme Court in *Otoe & Missouria Tribe* upheld the compensability of claims pertaining to "aboriginal title" which had not been recognized by treaty, the Commission

continued to seize upon the purported differences manufactured within *Tee-Hit-Ton* between "recognized" and "aboriginal" title. These "differences," however, were a fabrication of the Settler colonial legal system. Euroamerican definitions of land ownership and land tenure embraced within ICC proceedings, to which I will return in the next chapter, continue to have devastating effects on the physical, emotional, cultural, political, and spiritual well-being of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of Puget Sound.

As the U.S. Supreme Court was jurispathically rendering Indigenous land tenure systems as *bare habitance*, the State of Washington and its citizens were actively engaged in the destruction of the sentient ancestral landscapes and the salmon fisheries which sustain sqʷaliʔabs/Nisqually peoples. The salmon and, therefore, the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples, faced incredible odds as they fought for their survival in the midst of the rapid growth of Settler society in Puget Sound during World War II and the post-war era. The vitality and biodiversity of the sqʷaliʔabs/Nisqually ancestral homelands would be radically altered with the "help" of the DuPont munitions plant at sčəgʷaliču/Sequalitchew. "What is crucial here is Wolfe's argument that invasion is not simply an event that can be relegated to the past; invasion continues to be constitutive of the very structure of the settler state and its persistent, institutionalized policies of elimination" (Fujikane and Okamura 2008:10). Explosives manufacturing began in September of 1909, with shipments of raw materials from around the world arriving at the dock at the mouth of sčəgʷaliču/Sequalitchew Creek, being transformed into different grades of dynamite, black powder, and high explosives, and shipped nationally and internationally throughout the Pacific (Munyan 1972). In 1912, the Northern Pacific Railroad had constructed its line along the shores of Puget Sound, constructing a dike at the mouth of

sčəgʷalicu/Sequalitchew Creek and severely damaging "the top of Sequalitchew Canyon's banks along the Sound digging in 200 feet to provide fill for the dike" (Andrews and Swint 1994:13).

The company town was expanded, growing to include at least 110 houses and a number of additional structures by the mid-twentieth century (Stratton and Lindeman 1977). The town remained under company ownership until 1951 when the company decided to offer the homes for sale, giving employees the first option to purchase, the town receiving its charter in April of 1951 (Stratton and Lindeman 1977). sčəgʷaliču/Sequalitchew Creek provided hydryoelectric power for the plant and the company town throughout the early decades of the 1900s (Stratton and Lindeman 1977). The large creek was also used for irrigation of local farms and was enjoyed as a swimming hole by town residents, who built changing houses, diving platforms, wooden walkways, and picnic tables to provide recreation for themselves (Stratton and Lindeman 1977). "One resident said it was once a family tradition to go to the mouth of the Creek to see the salmon run in the fall where they were so thick people would catch them with pitchforks" (Stratton and Lindeman 1977:7).

From 1913 until 1945, DuPont ran a black powder mill on the north bank of sčəgʷaliču/Sequalitchew Creek consisting of fifteen buildings, which were burned down in 1945 when this part of the operation ceased (Stratton and Lindeman 1977). Explosions were common at the plant, and a 1929 account illustrates the devastation wrought by such horrific events, describing:

> [A] blast which hurled metal parts a half mile and caused other damage as far away as South Tacoma. [A witness] also discussed the worst part of such explosions. "Our first care was to collect what we could of the bodies of our [two [sic in original]] friends. We took two small powder boxes. As far as we could identify the pieces, we put each man's remnants by themselves; the rest we divided equally between the two boxes. Naturally we obtained very little. What had not become pink mist was scattered for hundreds of yards" [Stratton and Lindeman 1977:15].

While touted as a domestic munitions facility, in reality, "[m]illions of pounds of black powder and high explosives were [also] manufactured for the United States military, which included gelatin dynamite used to clear landing fields for armed forces" (Creighton 2004:82). During the half-century since its opening, "the facility manufactured more than one billion pounds of dynamite. Over the years such explosives have played a significant role in the construction of Pacific Northwest railroads, highways, and dams as well as in the mining activity and the logging industry" (Stratton and Lindeman 1977:15). Recall from Chapter 3 that another munitions manufacturing facility, owned by the apparent DuPont subsidiary Atlas Powder Company, had commenced operations on the west side of the Nisqually Delta near sxʷdaʔdəb/Medicine Creek in 1919 (McCurdy 1979). Taking advantage of the seclusion created through the buffer zones between residential areas and the powder plants, the Washington State Department of Game "secured options to buy land on the Nisqually Delta for game management programs, including public hunting in 1947," an issue to which I will return (McCurdy 1979:9).

The Nisqually River Basin and Delta have also been severely impacted by the construction of hydroelectric dams (likely aided by DuPont explosives) and agricultural diking systems which have propelled the exponential growth of Settler colonial hegemony within the Puget Sound. "Environmental destruction, particularly through interrupting natural waterways through redirection of water and dams, has pernicious health effects on Native peoples" (Walters, Beltran, Huh and Evans-Campbell 2011:181). The destruction of watersheds and the beings who live within them leads to radical changes of those interrelationships humans have within them, leading to poor health outcomes due to both changes in diet, and the physical impacts of the cultural and spiritual losses and traumas associated with the alteration of these relationships. Along the mainstem of the Nisqually, the LaGrande Powerhouse which had been

constructed in 1912, as discussed in Chapter 3, was replaced in 1945, becoming a 192-foot structure with an impoundment storage capacity of 2,700 acre-feet (PCDPWW, WPD 2008). Two miles upstream from the LaGrande Dam, the Alder Dam was also constructed in 1945, the two facilities being operated by Tacoma Power as the Nisqually River Project. An additional hydroelectric project diverts the river at the Yelm Project diversion dam and canal, constructed in 1929 operated by Centralia City Light. "Currently, there are 18 documented dams in the lower watershed, including Alder dam, La Grande dam, Centralia Diversion Dam, McAllister Springs, and several dams forming large lakes" (Watershed Professionals Network et al. 2002:3).

These hydroelectric operations and other impoundments restrict the free travel of salmon to their spawning grounds, and have severely reduced water flows in the Nisqually River Basin, as well as sediment transport, leading to the devastation of estuarine habitat and salmon spawning grounds throughout the twentieth century:

> [W]hen sediment delivery is depleted, nearshore critical habitat and beaches can be eroded by natural coastal processes and lost […] Changes in sediment grain-size composition also affect ecosystems. For example, many shellfish beds and forage-fish spawning beaches depend on a specific sediment grain-size composition that is linked to land-use activities and hydrologic conditions that release and carry sediment to Puget Sound […] Water quality, nearshore and offshore habitats, and aquatic-ecosystem health are affected by contaminants and nutrients that preferentially adsorb to fine sediments and are delivered to Puget Sound. Once present, these contaminants can bioaccumulate in fish and shellfish making these seafoods toxic for human consumption [Czuba et al. 2011:1].

In addition to ecological impacts from hydroelectric projects, vast portions of the estuarine habitat within the Nisqually River Basin were converted into diked agricultural lands in the late 1800s and early 1900s, including the diking within the Braget Farm in the eastern part of the Delta, and the Brown Farm in the western part of the Delta, destroying prime salmon rearing habitat (McCurdy 1979). "This loss has resulted in the greatest impact to habitat for Nisqually salmon in the entire watershed. The estuary lost almost 50% of its former total area mostly due to

the diking of salt marsh areas and conversion to pastures […] more than 75% of the former salt marshes and associated tidal channels have been lost" (PCDPWU, WPD 2008:4-81). Railroad and highway construction have had similarly devastating impacts throughout the Nisqually Delta and contiguous regions. Recall that "In 1890, the Northern Pacific Railroad (now Burlington Northern) completed a line from the south that crossed the Nisqually River a few miles from its mouth and followed the bottom of the bluff on the Pierce County side of the Sound, where it continued around the shoreline toward Tacoma" (McCurdy 1979:8). A broad swath of the sqʷaliʔabs/Nisqually ancestral landscape, inclusive of sčəgʷaliču/Sequalitchew, was also bisected by the construction of Interstate 5 during the early 1950s, the fill associated with this project resulting "in a reduction in estuary habitat and functions, as well as the loss of distributary channels. Over 60% of the transition estuary habitat type has been lost, mostly due to fill for the highway" (PCDPWU, WPD 2008:4-81).

Around the time of the construction of Interstate 5, a diversion dam and canal was built at the head of sčəgʷaliču/Sequalitchew Creek by the United States Army at Fort Lewis (Andrews and Swint 1994). Built sometime between 1949 and 1954, the dam and outfall channel drain sčəgʷaliču/Sequalitchew Lake and the surrounding basin, leading from Hamer Marsh to Puget Sound near Tatsolo Point. The complex outflow channel system runs west for one mile from the base of the dam, past the DuPont Steilacoom Road, and turns north above the northern banks of sčəgʷaliču/Sequalitchew Creek to travel over one-and-a-quarter miles to Tatsolo (Andrews and Swint 1994). At Tatsolo, the water empties into Puget Sound through a steep concrete flume which provides a nearly impassable and extremely dangerous obstacle to salmon fingerlings (Andrews and Swint 1994). In 1954, Fort Lewis purchased a two hundred foot wide corridor across the property enclosed by the DuPont Powder Works, the sales contract specifying that the

normal creek follow was to be constantly maintained, and that DuPont and its successors were "granted the right of 'ingress and egress' to the dam to intervene" (Andrews and Swint 1994:18). Fort Lewis maintains scant records about the project, and its "official" original purpose remains unclear although sqʷaliʔabs/Nisqually Elder Ken Ross recalled that when Interstate 5 was constructed, Hanna Lake, a glacial kettle lake near what is currently Exit 119, was drained into sčəgʷaliču/Sequalitchew Creek, and he believes that concern over excessive flows in the Creek prompted its diversion upstream (Andrews and Swint 1994). Other sources indicate that the diversion is related to the water supply for the Fort, derived from sčəgʷaliču/Sequalitchew Springs at the head of sčəgʷaliču/Sequalitchew Lake, the diversion explained as being necessary to prevent contamination of the water supply by the lake's waters (Andrews and Swint 1994). Regardless of its purpose, the Fort Lewis Diversion Dam has dramatically reduced flows in sčəgʷaliču/Sequalitchew Creek from historic levels during the time before the capsizing, impairing the healthy functioning of the watershed and its delicate nearshore habitats.

Additional damage to the greater Nisqually watershed and sqʷaliʔabs/Nisqually ancestral homelands and waters from the impacts of commercial logging is immeasurable. "Historical changes in the logging practices were significant events due to the dense forests historically surrounding Puget Sound. Progress from the onset of clear-cut logging in the 1900s to mass production of the two-person, gas-powered chainsaw in 1927 and then single-operator chainsaws in 1945, altered the entire vegetation cover," with post-disturbance forest succession bringing in Red Alder and numerous weeds and shrubs (Brandenberger et al. 2008:13). The reduction in complexity and structural alteration of forests caused by intensive logging operations leads to "less stormwater protection and habitat diversity" (USFWS 2005:3-22). Overcutting causes widespread damage throughout entire watersheds through stream sedimentation, flooding,

damaged fisheries, impaired nutrient cycling, habitat fragmentation, and impaired forest regeneration (Jensen, Draffan, and Osborn 1995).

Agricultural and industrial practices have contributed to the decline in the health of the Nisqually River Basin and sčəgʷaliču/Sequalitchew ancestral village landscape. Improper irrigation methods and failure to keep livestock out of waterways leads to disturbed soils and streambank erosion, and poses the constant threat of contamination by fecal coliform bacteria and nutrient overload in both the Creek and Puget Sound; the overloaded of nutrients reducing the dissolved oxygen necessary to the survival of salmon and other marine and aquatic organisms (PCDPWU, WPD 2008). In regard to industrial activities, one of the main sources of lead [Pb] contamination throughout Puget Sound can be linked to industrial point sources:

> The first accumulation of anthropogenic Pb in sediments of the main basin was recorded around 1890 when metal smelting began near Tacoma. The concentrations of anthropogenic Pb continued to increase during the early 1900s and the first peak occurred during World War I (WWI; 1914-1918) when significant industrialization began (108) in central Puget Sound. The Pb concentrations then showed a decrease during the Great Depression (1929) followed by a second increase during WWII (1930s-1945), a peak in the 1960s, and finally significant decreasing trends since the implementation of the first environmental regulations such as the Clean Air and Clean Water Acts [Brandenberger et al 2008:107-108].

Within the sčəgʷaliču/Sequalitchew village ancestral landscape, industrial pollution caused by the operation of the DuPont Powder Works, discussed in the next chapter, was compounded by the use of arsenic-laden pesticides throughout the plant property (Creighton 2004).

"Development" practices such as those discussed above led to a steep decline in the salmon runs that have sustained the people since time immemorial. The threats to the survival of the salmon, and therefore of the sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples, were further compounded by widespread overfishing by Settler commercial fisheries. As the salmon populations dwindled, illegal state assertions of jurisdiction began to accelerate in the early

1940s, and sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of Puget Sound "were restricted to fishing in ever shrinking areas, or risked being arrested and having their gear confiscated and held for months, which would ruin their chances of making a living" (Chrisman 2008:6). Some tribes capitulated to state pressure and entered into agreements with the Washington State Department of Fisheries "under which the Indians agreed to certain limitations in the interest of adequate 'escapement'" (American Friends Service Committee [AFSC] 1970:130).

Contrary to pressures at the state level, at the federal level there were signs that state incursions against treaty rights would be rebuffed. In 1942, Edward Swindell drafted a report for the Department of the Interior regarding the nature and extent of treaty protected hunting and fishing rights held by tribes in Oregon and Washington, evidencing at least federal awareness of the situation (Blumm and Swift 1998). That same year, the U.S. Supreme Court issued a decision in the case *Tulee v. Washington* (315 U.S. 681 (1942)), in which Yakama Tribal member Sampson Tulee appealed his conviction for fishing without a state license (Blumm and Swift 1998). The State Supreme Court had upheld Tulee's conviction, turning to the dicta in *Winans* (1905) to support their argument that "the treaty right was subject to state regulation" (Blumm and Swift 1998:448). The U.S. Supreme Court held that treaty protected fishermen and women could not be required to purchase state fishing licenses, and also found that the "Treaty takes precedence over state law and state conservation laws are void and ineffective insofar as their application would infringe on rights secured by treaty" (*Tulee v. Washington* quoted in AFSC 1970:83; Nisqually Indian Tribe 2009).

However, the Court in *Tulee* also found that not *all* state assertions were impermissible, but that the state had to prove that the measures were indispensable to the conservation of salmon

(Blumm and Swift 1998). Additionally, "the Court confirmed that the treaty conferred an unusual servitude […] [I]t not only guaranteed the tribes an easement to their fishing places, but also prohibited the state from imposing even nondiscriminatory fees on the tribes' fishing right. Thus, financial barriers, like physical barriers, impermissibly interfere with the tribes' right to freely exercise their treaty fishing rights" (Blumm and Swift 1998:448-449). While the decision in *Tulee* remained the guiding federal jurisprudence for the next twenty-five years regarding treaty-protected subsistence rights, the State of Washington continued to arrest and convict tribal fisherman under state law (American Friends Service Committee [AFSC] 1970; Chrisman 2008).

The State of Washington also began an assault on sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples relationships with steelhead, an ocean-run rainbow trout who, like the salmon, returns to the streams of its birth in order to spawn (Washington Department of Fish and Wildlife [WDFW] 2012). "The conflict has escalated specifically over steelhead trout in the Puyallup, Nisqually, and Green rivers in February and March," spurred by sports fishers who pressured the state into declaring the steelhead to be a "game fish" and, as such, to be under the management of the State's Department of Game (AFSC 1970:62). From 1947 through the 1970s, "Steelhead [was] under the authority of the Department of Game, while salmon, as a food fish, [was] under the jurisdiction of the Department of Fisheries" (AFSC 1970:62-63). The Department of Fisheries was funded through state tax revenues while funds utilized by the Department of Game "principally come from sport fishing license fees and other license fees and tags" (AFSC 1970:63). Under pressure from sports fishers, the State legislature began to enact a series of:

> laws removing the steelhead trout from the commercial fishery. These laws go far beyond regulation. The statutes and laws prohibiting net fishing in rivers and establishing closures and limits, together with evidence as to the pattern of fisheries management in Washington, demonstrate that the state is engaged not primarily in conservation of fish,

> but rather in the *allocation* of fish to sportsmen and commercial fishermen. There appears a pattern of legislation and administration to eliminate the Indian stream fishermen except as individual Indians might become sports fishermen [AFSC 1970:83-84; emphasis in original].

In these efforts to curtail treaty-protected fishing, we see being articulated the underlying philosophies of the Termination era, and the State of Washington's readiness to be done responding to the "Indian Problem" within its boundaries according to the dictates of federal statutes and court decisions, and the dictate of treaty-protected inherent tribal sovereign rights which are "the supreme law of the land."[97]

Paired with these increasing state incursions in the 1940s and 1950s, the spring run of Chinook salmon in the Nisqually River, along with a number of other salmon runs throughout the region, began to enter a steep decline (Wilkinson 2000). As fish runs continued to steadily decline due to destructive "development" practices discussed in the next chapter, the State of Washington continued to restrict treaty-protected tribal fishing, arguing that, in the Stevens Treaties:

> The language "in common with all citizens if the Territory" means that Indians have a right the same as all others and are therefore subject to the same regulations. This argument, at root, is based upon the idea that the Indians actually had, in law, nothing; that they could only receive property and rights from the government. It therefore assumes that the treaty-making was a sham procedure [AFSC 1970:85].

Much as the Supreme Court, the Court of Claims, and the Indian Claims Commission had mobilized the notion of "aboriginal" as opposed to "recognized" title, the State of Washington considered sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples' lineage- and watershed-based rights and responsibilities as something other than property, as mere *bare habitance*. In this we see how "sanctioning the equal rights of indigenous peoples has historically

[97] 50 Wn2d 513, 314 P.2d 400 (1957).

been used as a powerful weapon in the denial of indigenous entitlement and in the enactment of various forms of coercive assimilation" (Veracini 2011:8).

These conceptions were inexorably paired with and rooted within notions of Indigenous racial inferiority and savagery; the "justifications" for the structural violence of illegal assertions of state police power in dialectic with the cultural violence of racism. "Native Americans were consistently portrayed in the media as non-compliant and backward in their resistance to new conservation laws that were intended for the public good" (Chrisman 2008:8). The State enacted restrictions on fishing gear that it had declared, in the face of the fact of the incredible bounty of salmon and the sustainability of the First Peoples fisheries over countless generations, "destructive" to the fish populations (Lane "Treaty Rights Workshop"). In response, the federal district court in *Makah v. Schoettler* (192 F.2d 224 (9th Cir. 1951) "held that Washington could not limit Indian fishing on the Hoko River to hook and line because it had not sustained its burden of proving that such regulation was necessary for the conservation of fish" (AFSC 1970:88-89). In the meantime, the "anti-conservation" sqʷaliʔabs/Nisqually enacted a series of fishing regulations governing both on- and off-reservation fishing throughout the 1950s (AFSC 1970). The position of the State of Washington, however, was "that assimilation is the only appropriate goal for Indians, and since the logic of conservation does not end with the reservation boundaries, the next step would be to move to control all fishing, on the reservation as well as off" (AFSC 1970:135). It seems that assimilation was also to take place at the cellular level through the disruption of traditional diets and the structural genocide of diabetes, cardiovascular disease, and obesity (Walters, Beltran, Chae, and Evans-Campbell 2011).

This assimilationist logic dovetailed neatly with provisions of House Concurrent Resolution 108, the Termination legislation, as well as with state assertions of general civil and

criminal jurisdiction under P.L. 280 and enabling state and Tribal legislation. However, P.L. 280, consisting of three separate statutes,[98] explicitly excludes state assertions of jurisdiction over the exercise of treaty protected hunting, trapping, or fishing (Nisqually Indian Tribe 2009). Additionally, one of the provisions of the legislation which the State of Washington adopted under P.L. 280 in 1957 (R.C.W. 37.12.060) contained a disclaimer: "Nothing in this chapter shall […] deprive any Indian or Indian Tribe, band or community of any right, privilege or immunity afforded under Federal treaty, agreement, statute or executive order with respect to Indian land grants, hunting, trapping or fishing or the control, licensing or regulation thereof" (AFSC 1970:82). Despite this explicit disclaimer of regulatory authority, the State of Washington continued to arrest tribal fisherman for the violation of state fish and game laws. "During the 1950s some individual Native Americans did fish illegally, but in very small numbers. Most did so simply for economic reasons, without an overtly political agenda, and tried to avoid being seen or caught" (Chrisman 2008:9).

All of these forces: land theft, dispossession, environmental destruction, treaty abrogation, and the reconfiguration of sqʷaliʔabs/Nisqually territorial sovereignty through judicial and legislative means became a swirling morass from the late-1950s through mid-1970s. The Indian Claims Commission decisions to come, in combination with the ongoing ecological devastation of the Nisqually River watershed and the Nisqually Delta, and the never-ending assaults on sqʷaliʔabs/Nisqually treaty-protected inherent rights and responsibilities, would all play their part in the radical reconfiguration of sqʷaliʔabs/Nisqually territories, and the recognition of claims to those territories, as numerous federal, state, local, private, and Tribal

[98] 18 U.S.C 1162, State jurisdiction over offenses committed by or against Indians in the Indian country; 25 U.S.C. 1321, Assumption by State of criminal jurisdiction; and 28 U.S.C. 1360, State civil jurisdiction in actions to which Indians are parties. These statutes excluded the authority to tax, as well as circumscribe the operation of a number of additional State laws (Nisqually Indian Tribe 2009)

entities all scrambled to assert their own illegitimate claims within the greater sqʷaliʔabs/Nisqually ancestral landscape. These processes would also have tremendous impacts on the place-specific history of the sčəgʷaliču/Sequalitchew village ancestral landscape, as the rest of this work will detail.

## Chapter 5: The Delta Blues

### Part I: The Indian Claims Commission and Bare Habitance

As noted briefly in the previous chapter, the Nisqually Tribe filed its ICC claim in 1951. The act establishing the ICC "permitted a single representative action on behalf of several groups where the claimants can be identified as members or descendants of members of tribes, bands, or communities existing when the claim arose" (Orlando 1986:257). When the Nisqually Tribe filed its claim (21 Ind. Cl. Com. 173), they asserted, as salətˀuɬkʷ Leonard Squally insists, that the small bands living around the South Bay and Budd Inlet regions were sqʷaliabs/Nisqually peoples. Recall from Chapter 1 that the broader Tribal name "Nisqually," according to Waterman (2001[1922]), is likely derived from the name $^{Tu}$sqwE'l$^{3}$e or $^{Tu}$sqwE'le, which is the name of a single ancestral village landscape at the mouth of the Nisqually River. The peoples of Stechass and Noo-she-chatl would not have referred to themselves as $^{Tu}$sqwE'l$^{3}$e-abc, "people of the village landscape of $^{Tu}$sqwE'l$^{3}$e," but instead as stɑtcásɑbc and t$^{u}$ts'étcaxɬɑbc, respectively, because of their identification with, and hereditary rights and responsibilities within, their specific village landscapes (Smith 1940).

It must also be remembered that, as Smith notes that many of the stɑtcásɑbc/Stechass people "moved in to the Nisqually reservation at the time of concentration" (1940:14). Carpenter also asserts that, "It was believed that one of the Nisqually chiefs had been the chief or headsman to the Stechass band at Budd Inlet. The Stechass and the Noo-she-chatl at South Bay were kith and kin to the prairie lands shared by the Nisqually" (Carpenter 2002:256). The complex systems of Coast Salish ʔaciɬtalbixʷ/First Peoples land tenure are interwoven through intervillage ties of marriage and heredity:

> The pervasive practice of village exogamy reveals a complex reality. Though descent group members often choose to live in the same or nearby local group or village areas, in practice multiple bearers of an Indian name live throughout the Coast Salish world.

> Through their extended kin ties, demonstrated through these names, people may be able to claim rights to land and resources in areas beyond strictly those that may be afforded to them by the fact of their local residence [Thom 2005:202].

As "kith and kin to the prairie lands," the stɑtcásɑbc and t$^{u}$ts'étcaxɬɑbc peoples living less than two miles from the mouth of the Nisqually River, were related through intervillage ties of marriage and hereditary rights and responsibilities, through a headman's lineage, to the $^{Tu}$sqwE'l$^{3}$e-abc, or sq$^{w}$aliʔabs/Nisqually.

We also know from the Annual Reports of the Commissioner of Indian Affairs discussed in Chapter 3 that not everyone moved from these landscapes in the western Nisqually Delta to the upriver Nisqually Reservation immediately following their release from internment. Recall that part of these lands west of the river mouth on the shores of Puget Sound had, in fact, been set aside as the South Bay/She-nah-num Reservation immediately following the Treaty of Medicine Creek as a result of George Gibbs' erroneous survey. This reservation was situated in the midst of the contiguous village landscapes of both stɑtcás (Steh-chass) and t$^{u}$dádab (She-nah-num), the latter of which was centered at the mouth of Medicine Creek just west of the mouth of the Nisqually River. Waterman translated the name of this village landscape as: "Sxuda'dap for McAllister Creek entering the Sound on the west side of Nisqually Flats. This means 'place where they get a form of spirit power.' The power referred to is the xuda'b, discussed by Haeberlin and later by myself, which enables a shaman to visit the underworld and recover lost souls" (2001[1920]:325). Smith noted that the name of this landscape, as listed in Chapter 1, is "evidently derived from the word for shaman and shaman power, *t$^{u}$dáb,* a fact to which informants always refer when speaking of the ill effects of white occupation. In addition to Nisqually contacts this village had close connections with South Bay" (Smith 1940:22). The ancestral village landscape of sx$^{w}$daʔdəb/Medicine Creek and the sacred places of power within it

are central to the health, well-being, and wholeness of sqʷaliʔabs/Nisqually peoples. Through intervillage marriages, hereditary personal names and the intricate interrelationships of noble lineages, village landscape groups and the beings, and powers within these interconnected landscapes, the "Nisqually, S'Homamish, Stechass, T'Peek-sin, and Sa-heh-wamish Tribes of Indians" became consolidated largely on the Nisqually Reservation. As the federal creation of the Nisqually Tribe encompassed these peoples of different ancestral village landscapes within the great Nisqually River Basin, the Nisqually Tribe's ICC claim was intended to encompass the claims all of these peoples (Carpenter 2002:255).

In addition to the Nisqually Tribe, the two other Tribes signatory to the Treaty of Medicine Creek, the Puyallup and Squaxin Island Tribes, also filed ICC Claims, along with the Steilacoom Tribe of Indians who, as discussed in the previous chapter, had tried to organize with the Nisqually Tribe under the IRA in 1936. While not a federally recognized tribe, the Steilacoom were permitted to pursue an ICC claim as an "identifiable group of Indians." Litigation of ICC cases took place in two phases: one to determine the federal government's liability, and one to set the valuation of compensation, and there were provisions for appeal after each phase (Smith and Neuman 2009:480). In the liability phase, Tribes provided the Commission with evidence pertaining to the extent of their territories prior to being dispossessed by Settlers, the Commission using this information "to determine a tribe's 'aboriginal territory,' which in turn was used in the valuation phase to calculate the amount of money owed to the tribes for land ceded to or taken by the United States" (Smith and Neuman 2009:480).

The ICC claims of the sqʷaliʔabs/Nisqually and other Medicine Creek Treaty Tribes, along with the "identifiable group" of Steilacoom Indians were ordered to be "consolidated for the purpose of trial" (*The Steilacoom Tribe of Indians v. United States* 11 Ind. Cl. Comm. 305).

The first claim to be adjudicated was *The Steilacoom Tribe of Indians v. United States*, the liability phase being decided on September 21, 1962. The term "identifiable group" within section 2 of the ICC legislation was interpreted by the Court of Claims to mean "any group of American Indians that could be sufficiently identified as having by inheritance a claim or claims of the character specified" (*Thompson v. United States* 122 Ct. Cl. 348 *cert. denied,* 344 U.S. 856 (1952)). While the ICC held the Steilacoom to be such an "identifiable group," the Steilacoom remain unrecognized by the federal government to this day. In their ICC case, the Steilacoom claimed, and their expert witness Dr. Carroll L. Riley testified, that they were an autonomous nation who had "exclusively occupied and used" a "village on or near the mouth of Steilacoom or Chambers Creek prior to and subsequent to the Medicine Creek Treaty" and utilized a "subsistence area through the area of Anderson, McNeil and Fox Islands, through the lower Nisqually River drainage and in the region around Steilacoom Creek and Sequallitchew [sic] Creek which lies to the south of Steilacoom Creek" (11 Ind. Cl. Comm. 317).

The area claimed by the Steilacoom, however, was within the sqʷaliʔabs/Nisqually homelands, which encompassed the area "from the Budd Inlet near Olympia to Sunset Beach and beyond Chambers Creek in Steilacoom's area" (Carpenter 2002:257; salətˀuṗkʷ Leonard Squally, personal communication 2002-2012). Recall from the previous chapter that the Steilacoom had requested permission to organize with the Nisqually Tribe under the IRA and were refused. The Steilacoom then attempted to become organized under the IRA as a separate Tribe but "the data required for organization under IRA was never submitted to the BIA [Bureau of Indian Affairs]" (United States Department of the Interior [DOI], Office of Federal Acknowledgement [OFA] 2000:4). In 1937, Commissioner of Indian Affairs John Collier was informed by Agents that "as far as known they have functioned as a tribal group only for the

purpose of filing a petition in the Court of Claims seeking damages for failure to obtain certain benefits under the 1854 treaty" (DOI, OFA 2000:13). There is no acknowledgement of the existence of this group in the federal records between 1941 and 1951 when the Steilacoom Tribe of Indians [STI] formed in order to press a claim in front of the ICC (DOI, OFA 2000). There were undoubtedly descendants of peoples who had lived in the villages near Steilacoom and Chambers Creeks involved in this claim. However, there were also a number of peoples:

> who were adopted into the STI claims organization during the 1950s. These adopted lines have been documented as descending from Canadian mixed-blood families that emigrated from Manitoba to Oregon Territory between 1841 and 1855, from Cowlitz and Warm Spring Indians, from other northwest Washington Tribes such as Lummi and Clallam, and from Indian tribes elsewhere in the United States [DOI, OFA 2000:5].

The data which the Steilacoom Tribe of Indians submitted in their recent attempt at federal recognition was the same data which had been submitted to the ICC in the determination of lands to which they purported to hold "aboriginal title." What this data demonstrates, however, is that "several pre-treaty villages identified as 'Steilacoom' by the petitioner were either Nisqually villages or temporary settlements surrounding Hudson Bay Company outstations (DOI, OFA 2000). The 1878 Office of Indian Affairs census of a 'Steilacoom' group presented by the petitioner identified it, in the document itself, as a band of the Puyallup Tribe" (DOI, OFA 2000:5).

While these facts seem to be some of the barriers to federal recognition for the Steilacoom, they apparently meant nothing to the ICC. In 1962, the ICC decided that the Steilacoom Tribe of Indians was an "identifiable group" who had "exclusive occupancy and use" of the following area:

> Beginning at a point along the eastern shore of Puget Sound opposite Gibson Point on Fox Island, and known as Sunset Beach; thence in a due southeast direction for a distance of two (2) miles; thence in a southwesterly direction, following the east shore line of Puget Sound at a distance of two (2) miles therefrom, to a point on the south bank of

> Sequalichew [sic] Creek, two miles distant from the mouth thereof; thence along the south bank of said Creek to the mouth thereof; thence along the east shoreline of Puget Sound in a northeasterly direction to the place of the beginning [11 Ind. Cl. Comm. 319].

And with the signature of the Commissioners, the northern portions of the sčəgʷaliču/Sequalitchew ancestral village landscape, and the creek at its heart, were judicially stolen by the ICC and declared as the territory of a group largely consisting of peoples who are not even Puget Sound ʔaciɬtalbixʷ/First Peoples, let alone sqʷaliʔabs/Nisqually, and who have never previously or subsequently been recognized by the federal government as an autonomous political entity.

The United States government, in its defense to the claims of the Steilacoom, raised an issue which bears intense scrutiny. On October 26, 1960, during the liability portion of the Steilacoom ICC case, the United States, as defendant, filed a motion to submit additional documentary evidence as well as a motion for summary judgment (11 Ind. Cl. Comm. 321, 322). The information was admitted by the commission, but the motion for summary judgment was denied:

> The issue raised by defendant in its motion referred to above goes to the question of the occupancy of the area claimed by petitioner by the Puget's Sound Agricultural Company from 1840 to and through the date of the Medicine Creek Treaty of 1854. It is the position of the defendant that it should not be held liable for any alleged injury committed against the petitioner prior to the time defendant acquired the land from Puget's Sound Agricultural Company in 1869 […] *It is defendant's contention that the Hudson's Bay Company and its subsidiary, the Puget's Sound Agricultural Company, were in possession of the area claimed by petitioners prior to the date on which defendant acquired sovereignty and that under settled law defendant is not liable to petitioner for the actions of Great Britain, or its instrumentalities in dispossessing it* [11 Ind. Cl. Comm. 304; emphasis added].

The United States' defense was that it didn't owe the Steilacoom any compensation, because it was the *British* who had illegally dispossessed them. The ICC decision in *Steilacoom Tribe of Indians* relies heavily on the doctrine of discovery, the "joint occupancy" of this region by

Britain and the United States between 1818 and 1846, and the Treaty of 1846 in order to counter the assertions of the United States. The ICC held that Great Britain had not made a grant of land to the PSAC, instead finding that both the HBC and the PSAC were "quasi-governmental agenc[ies] of the British government with jurisdiction over British citizens within its territory and held the exclusive privilege among British citizens of trading with the Indians" (11 Ind. Cl. Comm. 326). The ICC reasoned that in protecting the interests of these companies, "the British government was both protecting its claim to sovereignty and discharging its governmental obligation to protect the rights of its citizens and subjects" (11 Ind. Cl. Comm. 326).

Finding that the United States had also never relinquished its claims to sovereignty in the region, the ICC next turned to a consideration of the Treaty of 1846, holding that if the provisions of the Treaty had left Britain in possession of the region and American citizens under British sovereignty, the American government would certainly have protected the rights of its citizens:

> We think that this attitude on the part of the American government is amply demonstrated by the Act of August 14, 1848 (9 Stat. 323), whereby the rights of person and property of the Indians were expressly protected so long as they remained unextinguished by treaties. The whole history of the relation of the American government with its citizens demonstrates this fact beyond any doubt [11 Ind. Cl. Comm. 327].

It has been amply demonstrated by now how well the "rights of person and property" of the sqʷaliʔabs/Nisqually and ʔaciɬtalbixʷ/First Peoples of Puget Sound were "expressly protected" from depredations by American Settlers prior to and throughout the colossal sham of the Stevens' Treaties, the "war," and internment in prison camps.

The ICC then moved to a consideration of certain provisions of the Treaty of 1846 which bear repeating here:

> [Article III] In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the

> Hudson's Bay Company, and of all British subjects who may be already in the occupation of land or other property lawfully acquired within the said territory, shall be respected.
>
> [Article IV] The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, on the north side of the Columbia River, shall be confirmed to the said company. In case, however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole, or of any part thereof, the property so required shall be transferred to the said government, at a proper valuation, to be agreed upon between the parties [9 Stat. 869].

Despite having included these provisions verbatim earlier within its decision (11 Ind. Cl. Comm. 306), the ICC provided this additional interpretation:

> Furthermore, the Congress must be presumed to have been well aware of the existence of the claim of Hudson's Bay Company and Puget's Sound Agricultural Company, not only on the legal theory of presumption of knowledge of its own acts, but also because the area claimed was of such an extent that the Treaty of August 5, 1846, clearly recognizes in Article IV that it was of such potential public and political importance that the United States would undoubtedly wish to purchase it and provision was made for such purchase [11 Ind. Cl. Comm. 327].

Britain, the United States, and members of Congress may very well have recognized the "public and political importance" of the lands encompassed by the HBC/PSAC claim, and the United States undoubtedly wanted these lands. However, none of this is *expressly articulated* in the Treaty of 1846, contrary to the findings of the ICC. In the actual language of Article IV, provided above, Britain recognizes the *possibility* that the United States would *come to consider* those lands to be of public and political importance. Because of this possibility, Britain agreed that: 1) *should* the United States come to consider the "situation" of these lands to be of *both* "public *and* political importance" and signify a desire to purchase them, Britain further agreed that 2) it would sell these lands to the United States "at a proper valuation."

While the ICC only used their creative interpretation of Article IV of the Treaty of 1846 to assert that Congress was aware of the existence of the HBC/PSAC claim and, despite this awareness passed the Act of August 14, 1848 which "protected the rights of all Indians in the

territory," I am raising the issue for two reasons. First, this misreading of the treaty, incorporated within the defense mobilized by the United States in response to the claims of the Steilacoom, potentially undermines the United States' legitimation of the theft of the ancestral village landscape of sčəg$^{w}$aliču/Sequalitchew village by American Settlers prior to the Treaty of Medicine Creek. Secondly, this misreading also has the potential to undermine the United States' previous attempts to settle, for good, the claims arising out of the illegal condemnation of the eastern two-thirds of the Nisqually Reservation by Pierce County in 1916/1917; lands included within the PSAC claim. To return to the *Steilacoom* ICC opinion momentarily, the Commission found that:

> Based upon the particular facts involved in this situation, it is the opinion of this Commission that the *acknowledged ownership by Puget's Sound Agricultural Company*, as shown by Article IV of the Treaty of August 5, 1846, of all or part of the area claimed by petitioner herein, is not a bar to petitioner's claim. It is the further opinion of this Commission that had that ownership been held to be a bar to such claim on the facts, then such bar would have been removed by the action of Congress in specifically providing in Section One of the Act of August 14, 1848 (9 Stat. 323), that the rights of persons and property pertaining to the Indians should not be disturbed by the creation of Oregon Territory and the application of the land laws of the United States to that territory, so long as those rights remain unextinguished by treaty. The actions of defendant in treating these lands as public domain open for settlement and in carrying out the provisions of the above act by entering into treaties with the Indians for the cession of these lands serves to confirm this opinion. We think that the same reasoning would apply to the claims of the Hudson's Bay Company insofar as they might be construed to exclude any valid claims by petitioner, or any other of the parties to the Medicine Creek Treaty of December 26, 1854 (10 Stat. 1132) [11 Ind. Cl. Comm. 328-329; emphasis added].

There is quite a bit here to unpack. In this ICC decision, the Commission 1) recognizes British "ownership" of the area; 2) finds that this ownership is not a bar to a claim by the Steilacoom; 3) holds that if this ownership would have proven to be a bar, then the bar would have been considered to have removed through the Act of August 14, 1848 on the reasoning that the United States had treated those lands as "public domain open for settlement," and entered into treaties with the Medicine Creek Treaty Tribes pertaining to the cession of these lands *seven years after*

*the fact of their theft by invading American Settlers, and fifteen years prior to British "ownership" of these lands being extinguished.*

The ICC reasoned that the illegal theft of sqʷaliʔabs/Nisqually territory by American Settlers retroactively justified the federal government's theft of a portion of these lands both from the sqʷaliʔabs/Nisqually and from the British who had stolen them first. The ICC then granted these lands to the Steilacoom Tribe of Indians, whom the federal government only seems to recognize as an entity within the context of land claims. The existence of the Steilacoom Tribe of Indians, who had unwittingly served their purpose in relation to the alienation of the powerful sqʷaliʔabs/Nisqually ancestral village landscape of sčəgʷaliču/Sequalitchew, was not even acknowledged by the Puyallup Tribe in their ICC claim. The Puyallup Tribe, in their petition, "stated that from time immemorial the Puyallup Tribe of Indians owned, possessed and occupied exclusively that portion of the lands ceded to the defendant under the aforesaid Treaty of Medicine Creek, bounded on one side by the ancient tribal lands of the Nisqually to the south and west and that of the Duwamish to the north and east" (17 Ind. Cl. Comm. 1). sqʷaliʔabs/Nisqually territory is contiguous to Puyallup territory, with no autonomous Steilacoom tribal entity between them. Apparently, these assertions meant nothing to the ICC when it came to their erroneous and illegal "quieting" of claims to the sacred ancient village landscape of sčəgʷaliču/Sequalitchew.

Add to this the fact that the upriver Nisqually Reservation, designated by executive order in 1857, was *situated within the lands claimed by the HBC/PSAC*: lands recognized by the both the United States as defendant and the ICC itself in *Steilacoom v. United States* as being "owned" by the British until 1869, with Britain being the agent of Indigenous dispossession rather than the United States. It is interesting that the United States did not assert the same

defense when it came to the consideration of the Nisqually Tribe's ICC claim, further evidence that the Steilacoom, regardless of their status as an autonomous political entity, have been mobilized by the federal government in order to sever sqʷaliʔabs/Nisqually peoples from their interrelationships with portions of their homelands north of sčəgʷaliču/Sequalitchew Creek. In rendering this region as "Steilacoom aboriginal territory," the ICC effectively "exterminated" sqʷaliʔabs/Nisqually treaty claims to those lands and waters, and retroactively rendered the United States' dispossession of sqʷaliʔabs/Nisqually peoples invisible.

The United States attempted to sever the sqʷaliʔabs/Nisqually peoples from the *remainder* of their ancestral homelands through the mobilization of the western property and legal concept of "exclusive occupancy and use." When it came to deciding the boundaries of the lands to which the sqʷaliʔabs/Nisqually held "aboriginal title":

> The ICC would only recognize "aboriginal title" where the tribe had 'actual, exclusive, and continuous occupancy "for a long time" prior to the loss of the property.' In particular, the ICC required tribes to show *exclusive* possession before it would consider the land within a tribe's aboriginal territory. Aboriginal title would not be recognized in areas that other tribes also used, unless two or more tribes inhabited the same territory amicably or others' use of the territory was sporadic and did not undermine one tribe's "ownership" [Smith and Neuman 2009:481; emphasis in original].

It was held by the federal court in *Sac and Fox Tribe of Indians of Oklahoma v. United States* (315 F.2d. 896, 903 (Ct. Cl. 1963)) and in *Nez Perce Tribe of Indians v United States* (18 Ind. Cl. Comm. 1, 121-121 (1967)), that "evidence relating to the presence of other Indians" within areas claimed by a Tribe is not a presumption against exclusive occupancy and use (Smith and Neuman 2009). However, in *The Nisqually Tribe of Indians v. United States* (21 Ind. Cl. Comm. 173), decided on June 25, 1969, the ICC ignored these prior decisions, judicially rendering the theft of these lands by the United States as non-compensable to the sqʷaliʔabs/Nisqually peoples and all other signatories to the Treaty of Medicine Creek. As Thom (2005) has found, for Coast

Salish ʔaciɬtalbix$^{w}$/First Peoples, "property relations are firmly wrapped in mythological and other historical relationships to land that are not easily separated as they are in western mainstream thought. Property from this perspective is not so much a *commodity* (though aspects can be), as it is a way of ordering kin relations and relationships of sharing" (Thom 2005:32). Through the delegitimation of these complex lineage-based interrelationships of lands, peoples, and powers as "shared territory," not subject to the "exclusive occupancy and use" of the sq$^{w}$aliʔabs/Nisqually peoples, the ICC judicially rent asunder the fabric of sq$^{w}$aliʔabs/Nisqually existence, seeking to alienate the peoples from the very breath of life which had been blown into their ancestral village landscapes. The Coast Salish ʔacilaɬbix$^{w}$/First Peoples' understanding of property as relation, rather than property as owned commodity, remains incognizable by Settler courts.

As Carpenter (2002) asserts, as salətˀuɬkʷ Leonard Squally and a number of other sq$^{w}$aliʔabs/Nisqually Elders insist, and salətˀuɬkʷ's grandfather Peter Kalama maintained, the village landscapes of t$^{u}$ts'étcaxɬ and stɑtcás, within Budd Inlet and South Bay, are within the greater sq$^{w}$aliʔabs/Nisqually ancestral landscape. The Nisqually Tribe claimed these landscapes within their description of the lands to which they held "aboriginal title," submitted to the ICC on July 10, 1964:

> The Squaxin did not claim any one of them for their claim was much further to the north far up around North Bay near the Skokomish Reservation. The Eld Inlet band tended to be a branch of the Chehalis. One thing against the Nisqually was the small number within its folds, 58 to be exact. As it was Paul Leschi, Mary Krise and Gertrude Kover stood the course and did the best that they could remember, but their memories couldn't reach back to the time of the treaty. Gone were Peter Kalama and Henry Martin who could have helped the cause [Carpenter 2002:256].

The ICC held in *Nisqually Tribe v. United States* (1969) that:

> As originally presented to this Commission the claim herein was brought by the Nisqually tribe and five other tribes or bands who were also named in the 1854 Treaty.

> However, the evidence adduced in this docket has been confined to the establishment of a claim belonging exclusively to the Nisqually Tribe, and no attempt has been made to prosecute any other claim or claims in the name of or on behalf of the five other tribes or bands named in the petition. Accordingly, they have been dropped as party plaintiffs in this action [21 Ind. Cl. Comm. 174].

salətˈuƛ̓kʷ̓ Leonard Squally's grandfather, Peter Kalama, and great-great-uncle, Henry Martin, had passed down the knowledge to salətˈuƛ̓kʷ̓ Leonard Squally that these village landscapes were landscapes with which sqʷaliʔabs/Nisqually lineages had maintained active interrelationships, governed by hereditary rights and responsibilities, since the people had been created. Nevertheless the ICC concluded that "the other tribes or bands originally designated as petitioners in the petition, to wit, the S'Homamish, Stechass, T'Peeksin, Squiatl, and Sa-he-wamish, were never at any time, either before or after the 1854 Treaty of Medicine Creek, a part of the Nisqually Tribe of Indians" (21 Ind. Cl. Comm. 173).

Not only did the ICC find that these bands were not sqʷaliʔabs/Nisqually peoples, it seems that, according to their logic, the sqʷaliʔabs/Nisqually peoples who had filed the ICC claim were not even the descendants of the sqʷaliʔabs/Nisqually peoples signatory to the Treaty of Medicine Creek:

> [T]he record in this docket fails to show that the plaintiff tribe is the successor in interest to the Nisqually tribe or band of Indians that was signatory to the December 2 [sic], 1854 Treaty of Medicine Creek under which the present claim arose. Therefore, under the provisions of the Indian Claims Commission Act (60 Stat. 1049), the plaintiff is entitled to being and maintain the present claim only in a representative capacity [21 Ind. Cl. Comm. 179].

To recapitulate: the ICC held that the sqʷaliʔabs/Nisqually were not actually sqʷaliʔabs/Nisqually, and the sqʷaliʔabs/Nisqually ancestral village landscapes of tᵘtsʼétcaxɬ and stɑtcás within the Budd Inlet and South Bay regions did not belong to the sqʷaliʔabs/Nisqually but were in fact shared with sqʷaliʔabs/Nisqually bands whom the ICC had determined were not sqʷaliʔabs/Nisqually. "Administrative mappings of U.S. jurisdiction remain haunted by the

presence of polities whose occupancy precedes that of the state and whose existence as collectivities repeatedly has been officially recognized through treaties" (Rifkin 2009:95). Far more than providing recompense to Tribal Nations for the undervaluation of "ceded" lands, the ICC decisions functioned to self-legitimate Settler dispossession and manufacture the territorial coherence of the American nation through the delegitimation of the politics of collectivity rooted in autochthonous ancestral law.

As Carpenter (2002) notes, the Squaxin Island Tribe did not include the landscapes of tᵘtsʼétcaxɬ and stɑtcás within their ICC claim. If these ancestral village landscapes were not claimed by the Squaxin Island Tribe in their ICC claim, and the sqʷaliʔabs/Nisqually were the only peoples to encompass these lands within their claim, the main reason that the ICC would have in determining that these Budd Inlet and South Bay village landscapes of tᵘtsʼétcaxɬ and stɑtcás and the peoples of these villages were not sqʷaliʔabs/Nisqually would be to keep from having to compensate the Nisqually Tribe for the drastic undervaluing of these lands within the provisions of the Treaty of Medicine Creek. The ICC found these lands, along with the majority of sqʷaliʔabs/Nisqually homeland, to be "shared territory" not subject to the "exclusive occupancy and use" of the Nisqually Tribe and, therefore, held that the Nisqually Tribe had no compensable claim to the majority of their ancestral territories. The ICC instead granted compensation to the Nisqually Tribe for a tiny portion of these territories based on the finding that:

> [T]he Nisqually Tribe of Indians had aboriginal title to the following bounded area, and no other. Beginning at a point on the southeastern shore of Puget Sound one-half mile west of Nisqually Head where McAllister Creek flows into Puget Sound, then in a southerly direction on a line to the town of Rainier, thence continuing on a line southeasterly to Bald Hill, thence on a line in the same general direction to the town of Roy, thence continuing on the same northwesterly direction to a point on the shore of the Puget Sound one mile east of the mouth of the Nisqually River (where it flows into the

> Puget Sound), thence in a westerly direction following the shore line across the mouth of the Nisqually River to the point of beginning [21 Ind. Cl. Comm. 185].

As has been discussed extensively throughout this work, sqʷaliʔabs/Nisqually and Coast Salish ʔaciɬtalbixʷ/First Peoples' land tenure systems center on the foundation "attributes of sharing amongst kin, having certain regions held jointly as territories, and aggregates of residence groups holding rights to enforce trespass rules with outsiders" (Thom 2005:481-482). The lineage-based land tenure and stewardship systems of sqʷaliʔabs/Nisqually and Coast Salish ʔaciɬtalbixʷ/First Peoples were rendered by the ICC as such a primitive form of land tenure that they were cognized not merely as an invalid form of property, but as something other than property all together.

There may have been another reason for rendering the ancestral village landscapes of the South Bay region as "shared territory." Rather than being land to which the sqʷaliʔabs/Nisqually maintained "aboriginal title," there was the little matter of "recognized title" pertaining to the South Bay/She-nah-num Reservation which had surreptitiously been removed from trust status and rendered as public domain sometime between 1869 and 1871, as discussed in detail in Chapter 3. Perhaps the possibility of the assertion of a takings claim under the Fifth Amendment by the Nisqually Tribe precluded the adequate consideration of the actual status of these lands within the Tribe's ICC claim. As trust land set aside for the benefit of sqʷaliʔabs/Nisqually peoples, the South Bay/She-nah-num Reservation lands would be considered lands to which the Nisqually Tribe have "recognized title" under the ICC enabling legislation. By virtue of recognition by the United States as being set aside for their exclusive use, reserved lands are "legitimate property," the seizure of which is compensable under "regular property law." As it was, the Nisqually Tribe was found to only be entitled to compensation in the amount of $80,013.07 for the undervaluation of the thin strips of land contiguous to the banks of the

Nisqually River from the river mouth to the town of Mineral, and excluding the upriver Nisqually Reservation, a sum which was paid in 1974 (Carpenter 2002; 41 Ind. Cl. Comm. 77).

sqʷaliʔabs/Nisqually, Coast Salish ʔaci'talbixʷ/First Peoples, and many other Indigenous peoples and Nations around the world view:

> their land as the center of their way of life. Thus, "[w]hen the United States took part or all of a tribe's aboriginal land, it didn't just take something of monetary value; rather, it took a crucial means for the tribe to maintain its identity." The tribe, however, was unable to seek compensation for the loss of cultural identity that resulted from the taking of their aboriginal land base [Smith and Neuman 2009:482].

More than just amorphous "erosion of cultural identity," the decisions of the ICC compounded the effects of historical trauma, and contained and spawned traumas of their own. Some of these traumas are, in point of fact, embodied within acts of structural genocide which are directed against sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples through attempts to circumscribe and/or eliminate their inherent rights and responsibilities in relation to fishing, hunting, and gathering.

Since the settlement of the ICC claims under the Treaty of Medicine Creek, the determination of areas of "exclusive occupancy and use" by the ICC have been mobilized within an array of arguments that "current claims are precluded by those earlier ICC findings and settlements," particularly as these claims relate to the assertion of treaty-protected off-reservation fishing and hunting rights (Smith and Neuman 2009:475). In a subproceeding of the case *United States v. Washington*[99] (384 F.Supp. 312 (W.D. Wash. 1974), aff'd 520 F.2d 676 (9th Cir. 1975), cert. denied 423 U.S. 1086 (1976)), the federal District Court held that while the ICC proceedings pertained primarily to "the establishment of aboriginal territories in order to base claims for compensation," and while the ICC "inquiry was not directed to determining fishing places but to prove land use and occupancy," the ICC "decisions and findings for the purpose of

[99] This case, along with numerous others, will be discussed in the next section of this chapter.

establishing usual and accustomed fishing places shall be given consideration consistent with the above stated limitations" (Order re Tulalip Tribes' Usual and Accustomed Fishing Places, September 10, 1975, as amended October 15, & December 29, 1975). The construction of vast portions sqʷaliʔabs/Nisqually ancestral landscape as belonging to other groups such as the Steilacoom Tribe of Indians, or as shared territory and, therefore, *terra nullius* through the application of Eurocentric notions of property relations, within ICC decisions has led to a delineation of usual and accustomed sqʷaliʔabs/Nisqually fishing grounds and stations at a much smaller scale than what the reality of sqʷaliʔabs/Nisqually lived interrelationships with place have self-defined.

**Part II: The Fish Wars**

These lived interrelationships, as discussed in previous chapters, have come under assault by Settlers and their governing bodies since the fabrication of Washington Territory. One hundred years after the signing of the Treaty of Medicine Creek, sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples were no more assured of their survival as peoples than they had been during the time of internment. During most of the prior century, assaults on treaty-protected fishing rights often resulted in arrests and court cases. In the late 1950s and early 1960s, salətˀuɬkʷ Leonard Squally split his time between logging and fishing, sometimes in his home waters, and sometimes in the waters of his relations on the Warm Springs Reservation in Oregon.

> When I was in Oregon too, Madras and Warm Springs, I worked in a potato produce loadin' box cars eleven, twelve hours a day throwin' hundred pound sacks. They put me and a colored guy in a box car and we had to throw 'em up ten, twelve high, tie 'em in. […] I was working at a job in Warm Springs. I was stayin' with my mom's niece. Finished the job and I got back and I had two checks. She had my two checks. She says, "Well, what are ya gonna do, Leonard?" I said, "Well, I'm gonna go home." "OK, well here's your checks." I told them guys I had two checks. "Well, where ya goin', Leonard?" "I'm goin' home. I'm gonna go fishin." "We'll go!" "Well, c'mon let's go

> then." Come back. "I'm gonna teach you guys how to fish." "We ain't got no boat." Went up to the power plant. I swam across the river with the net and pulled it across. Made one of the other guys stay on this side. The other side was shallow. I was on land. They had big rocks there and them kings like to lay in them big rocks and holes. Then we'd load the truck up. There was six of 'em. "How are we gonna kill 'em?" "Well, I'll send two of you guys down there." "Well, how we gonna pack 'em?" "That's what this rope is for, put it through their head. You don't have to pack 'em. I'll meet you about a mile down the river. I'll be there. You guys swim the net down and the fish." They'd get scared and they'd just walk the fish down. "Goddamn it go back up there. Go to that riffle. One guy swim down on the deep side by the military. The other guy walk on this side—its shallow. And when you get to the riffle just let it swing in by itself. Don't pull it. You pull it you'll lose them salmon. Them fish that's in there. Let it swing in by itself." Then I'd make 'em do that. Then I'd drive. Lewis got on with us and he was teachin' 'em too. Showin' 'em how. There was always six, seven of us in that car. With a trunk full of fish. Haul 'em to south Tacoma and sell 'em [saləʔupʔkʷ Leonard Squally, personal communication,2010].

As the state began to crack down on off-reservation fishing in the 1950s, saləʔupʔkʷ Leonard Squally was among those who came under attack by State police, State game wardens, and individual non-Indian citizens of Washington State. "They'd just cut my nets and the game wardens used to take it once in a while" (saləʔupʔkʷ Leonard Squally, personal communication 2012). At times, he would outrun them and be chased up and down the river and into the waters of the Puget Sound. saləʔupʔkʷ was harassed for many years, but his numerous arrests for fishing did not take place until the 1960s, as discussed below.

Throughout the 1950s, however, other fishermen and women amongst the ʔaciɬtalbix$^{w}$/First Peoples of Puget Sound consciously chose to publicly fish "in violation" of state game laws in order to generate legal cases (Chrisman 2008). One such man was Puyallup Tribal member Robert Satiacum whose arrest in 1954 led to a crucial 1957 State Supreme Court decision in *State v. Satiacum* (50 Wn2d 513, 314 P.2d 400 (1957)). The *Satiacum* Court held that "the phrase 'in common with all citizens of the territory; merely granted the white settlers and their heirs and/or grantees a right to fish at these places with the Indians, but that the Indians thereby reserved their right to fish at these places irrespective of state regulation, so long as the

right shall not have been abrogated by the United States" (50 Wn2d 513, 314 P.2d 400 (1957) quoted in AFSC 1970:90). The Treaty of Medicine Creek was held to be "the supreme law of the land," barring the State of Washington from asserting any jurisdiction over treaty-protected hunting, fishing, and gathering rights unless "(1) the treaty is modified or abrogated by act of Congress, or (2) the treaty is voluntarily abandoned by the Puyallup tribe, or (3) the Supreme Court of the United States reverses or modifies our decision in this case" (50 Wn2d 513, 314 P.2d 400 (1957) quoted in AFSC 1970:90-91).

This clear recognition by the State courts of the superiority of treaty-protected rights to state law is further supported by the decision in *State v. Quigley* (52 Wn.2d 234, 324 P.2d 827 (1958)), decided the following year. Also in 1958, Milo Moore, the director of the State Department of Fisheries wrote that:

> If any man or race of people merit consideration in a fishery beyond that of all others, the American Indians claim that right…Recognizing whatever rights the Indian people have reserved to them, and the desire of most tribes people to establish methods of improving their fisheries, the matter rests with the Federal Government to seek the understanding necessary to establish their right [Moore quoted in AFSC 1970:131].

Despite these clear articulations by the state courts and the Department of Fisheries itself regarding the supremacy of treaty-protected fishing rights to state fishing and conservation regulations, illegal state assertions of police power over tribal fishers escalated dramatically: "By the early sixties, state enforcement officials openly ignored the ruling [in *Satiacum*] and made many arrests, as well as confiscating boats and fishing equipment" (Chrisman 2008:9). These illegal assertions of state police power, in contravention of the federal courts, clearly illustrate how the state had adopted the positive logic of elimination that is assimilation, embraced within the rhetoric of "equal rights" erroneously applied to Indigenous treaty-protected extra-constitutional rights and responsibilities. Having been rendered as "citizens" via the processes of

allotment and the 1924 Indian Citizenship Act, the exercise of treaty rights without state regulation come to be constructed by the State of Washington as an infringement on the rights of Settlers, rather than being cognized as inherent rights and responsibilities reserved by Tribes.

It wasn't that salmon conservation measures weren't desperately needed. "The quick flashes of silver that embody the natural bounty of the Pacific Northwest went into free fall. The 1960 non-Indian commercial chinook take dropped by more than half from the 1940s. Other species went into similar declines, or worse" (Wilkinson 2000:31). As noted by Tulalip fisherwoman and fishing rights activist Janet McCloud, the late wife of Puyallup fisherman and fishing rights activist Don McCloud, it was not the ʔaciɬtalbix$^{w}$/First Peoples' fisheries that were devastating the runs as the fish that were being caught by tribal fishers amounted to less than 1% of the total salmon catch (McCloud and Casey 1968). Pollution, hydroelectric dams, agricultural runoff, and natural predators kill large numbers of salmon fingerlings on their outward migration to the oceans from their freshwater nurseries. Those that survive their time out at sea faced, in the 1960s, "the never ending maze of international fishing nets" in the open sea, and Settler fishermen in the Puget Sound, leaving very few salmon to reach the nets of ʔaciltalbix$^{w}$/First Peoples (McCloud and Casey 1968). Washington's ʔaciltalbix$^{w}$/First Peoples "have never contended that there is no need for stringent conservation laws, for they realize that non-Indians do not seem to understand the need to obey Nature's conservation laws" (McCloud and Casey 1968:37).

What many Puget Sound ʔaciltalbix$^{w}$/First Peoples refused to do, however, was to submit to illegal assertions of state authority. The State of Washington in combination with the media, maintained that these assertions of state police power were necessary to curb the "depredations" of ʔaciltalbix$^{w}$/First Peoples fishermen and women:

> State regulations, and the publicity for the modern and progressive conservation techniques proposed by State agencies and the influential Washington State Sportsmen's Council, combined with a negative presentation of Native Americans in the media to create an atmosphere of blame […] They had become an easy target: the power dynamic was against the Native Americans as the minority group with little power or voice; mutual cooperation meant forced compliance in order to avoid being scapegoated and blamed for problems with the fish population [Chrisman 2008:8].

The commercial fishing industry, at the time, did not have a well-organized lobby and while they objected to Indian fishing, "there is little evidence that commercial fishermen generally feel themselves in direct competition with Indian fishermen" (AFSC 1970:121). In contrast, the Sportsmen's Council was particularly vocal in its objection to "off-reservation Indian net fishing. It is especially disturbed by Indians netting steelhead, which the state has endeavored to reserve for sport fishermen" (AFSC 1970:119). Sportsfisher pressures on the state undoubtedly led to further illegal attempts to assert police power.

The negative media image of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples of Puget Sound may have been a factor in the decisions of a number of Tribal councils to enter into agreements with the state allowing these illegal assertions of state police power. "The agreements made by the tribes and the Department of Fisheries were generally a limited and one-sided type of cooperation, however sound they may have been for conservation. They were to a large extent a matter of the Indians' acceding to limitations determined by the state to be necessary to maintain the fish" (AFSC 1970:132). Tribal Council acquiescence to state demands is illustrative of how the contemporary legacies and manifestations of Settler colonialism and its concomitant "practices of disconnection, dependency and dispossession have effectively confined Indigenous identities to state-sanctioned legal and political definitional approaches. This political-legal compartmentalization of community values often leads Indigenous nations to mimic the practices of dominant non-Indigenous legal-political institutions and adhere to state-

sanctioned definitions of Indigenous identity" (Alfred and Corntassel 2005:600). The sqʷaliʔabs/Nisqually fishermen and women however, "argued the most vocally the common Indian view that the state has no right to regulate, either on or off reservation" (AFSC 1970:89-90). The tenacity and resistance of sqʷaliʔabs/Nisqually fishermen and women would soon contribute a healthy spark to an already smoldering national movement for Indigenous rights into full-blown conflagration.

The genesis of this national movement can be tied in numerous ways to the accelerated urbanization of Indigenous Peoples beginning with the advent of World War II, and exponentially propelled by Termination era polices such as relocation. It is estimated that between 1952 and 1972:

> federal programs relocated more than 100,000 American Indians to a number of targeted cities, including Chicago, Cleveland, Dallas, Denver, Los Angeles, Oakland, Oklahoma City, Phoenix, Salt Lake City, San Francisco, San Jose, Seattle, and Tulsa […] The combined result of decades of these federal Indian policies was the creation of an urbane, educated, English-speaking Indian constituency that was available for mobilization when the civil rights era arrived in the 1960s [Nagel 1995:954].

The year 1961 was a pivotal one for the political, cultural, and spiritual resurgence of Indigenous peoples across North America. In June of that year, the American Indian Chicago Conference, consisting of over four hundred people from sixty-seven different Tribal nations, gathered for one week and prepared a number of statements and resolutions, including the "Declaration of Indian Purpose":

> The body of the declaration contained a host of proposals for policies and programs in such fields as resource and economic development, health, welfare, housing, education, law, relations between the tribes and the federal and state governments, and taxation. But as an authentic voice of the Indians, the declaration went further than any white man's document by making clear that the Indian wanted self-determination and the right to participate meaningfully in decisions that affected his life. He chafed under the heavy hand of the colonialist bureaucracy, which imposed programs on him that did not solve his problems, and he told the government specifically how he would like things to happen. In doing so, he underscored the fact that he had faith in himself, as well as the

> motivation and competency to solve his own problems […] That was in 1961. The philosophy inherent in the Indians' approach made no impact on the Bureau of Indian Affairs and had little practical response from the bureau for almost a decade [Josephy 1971:38-40].

While the Bureau of Indian Affairs may not have responded, the effect on Indigenous peoples nationwide was galvanizing. The National Indian Youth Council was formed that same year, voicing their opposition to Termination era policies through coordinated publicity and outreach efforts (Chrisman 2008). Rather than being subsumed within the larger civil rights movement, the "Red Power" movement, in its early years, shied away from the radical individualism and push for enfranchisement within such mainstream civil rights discourses:

> In settler societies, the issue of civil rights is primarily an issue about how to protect settlers against each other and against the state. Injustices done against Native people, such as genocide, land dispossession, language banning, family disintegration, and cultural exploitation, are not part of this intrasettler discussion and are therefore not within the parameters of civil rights [Trask 1993:25].

In standing against state incursion against treaty-protected rights and responsibilities, Indigenous peoples sought "to challenge the very foundation of the U.S. settler state" (Fujikane and Okamura 2008:4; Deloria 1974). These struggles for Indigenous autonomy were "often seen by supporters of civil rights as anti-American, and in many respects [they were]. The tribes were concerned about their separate existence as […] nations for whom the United States had a responsibility," rather than seeking integration into the Settler colonial state (Deloria 1974:24).

In the early 1960s, Washington State began to prosecute Indian fishermen and women in greater earnest. In 1962, "the state mounted a major raid on Nisqually fisherman during the winter run of chum salmon bound for Muck Creek. The state's campaign did not subside for more than a decade" (Wilkinson 2000:34). In 1963, the State filed a successful civil action in Superior Court against the Muckleshoot Tribe and a number of Tribal members in order to

restrain them from gillnetting (AFSC 1970). The case was appealed to the State Supreme Court but the appeal would not be decided for another four years.

By 1963 the state of Washington's "public position was that cooperation with tribes on matters of off-reservation fishing is impossible, and the state must have full control" (AFSC 1970:132). The state withdrew from agreements with Tribes regarding off-reservation fishing and removed the provisions for Tribal consent in its legislation under Public Law 280, unilaterally extending general civil and criminal jurisdiction over all reservations within the State (AFSC 1970; Chrisman 2008). "In the courtroom, while the U.S. Court of Appeals upheld the *Satiacum* verdict in 1963, *Washington v. McCoy* [63 Wn. 2d 421, 387 P.2d 942 (1963)], an important new fishing rights case decided that same year, dismissed the earlier pro-Native American decision 'with a footnote'" (Chrisman 2008:11).

In contrast, the 1942 decision in *Tulee* was upheld by the Ninth Circuit Court in a case out of Oregon, *Maison v. Confederated Tribes of the Umatilla Indian Reservation* (314 F.2d 169 (9th Cir. 1963)). These varying precedents allowed judges to pick and choose whichever decisions supported the position that they wanted to take on treaty-protected Tribal fishing rights (Chrisman 2008). In October of 1963, the State of Washington obtained an injunction in the King County Superior Court closing the Green River to ʔaciɬtalbixʷ/First Peoples' net fishing (AFSC 1970). Following closely on the heels of this injunction:

> On or about November 4, 1963, the Washington Departments of Fisheries and Game instituted a civil suit in the Superior Court of the State of Washington in and for Pierce County (designated as Cause No. 158069 therein) against the Puyallup Indian Tribe and certain of its members for the purpose of seeking a declaratory judgment and injunctive relief with respect to the nature and scope of any off-reservation fishing rights or immunities of the tribe and its members derived from the Treaty of Medicine Creek [United States District Court, Western District of Washington August 13, 1976].

The above case would become "the long running *Puyallup Tribe v. Department of Game* dispute, one of the few cases to produce three United States Supreme Court decisions" over the course of many years, as will be discussed below (Blumm and Swift 1998:449).

The ʔaciɬtalbix$^{w}$/First Peoples of Puget Sound, despite these illegal assertions of state police and judicial power, were not to be deterred from asserting their inherent rights and responsibilities in relation to the Salmon People. On December 23, 1963, a group of ʔaciɬtalbix$^{w}$/First Peoples marched on the State Capitol at Olympia. Many of the protesters had been the target of police actions, arrests, and gear confiscation and, "After years of waiting, they had become completely disillusioned with tribal organizations' slow and frustrating attempts to resolve the fishing rights dispute through compromise with state authorities. They saw an immediate need for direct action and more confrontational protests in order to force real change" (Chrisman 2008:12). On January 29, 1964, an injunction was issued against a group of individual sq$^{w}$aliaʔabs/Nisqually fishermen to restrain them from fishing with nets in the Nisqually River outside of the boundaries of the Nisqually Reservation (Pierce County No. 158824. On appeal entitled *Dept. of Game v. Nugent Kautz* 70 W.2d 275, 422 P.2d 771 (1967)). Pierce County Superior Court Judge Cochran, who issued the injunction, "told the Indians, 'They never meant for you people to be free like everyone else'" (McCloud and Casey 1968:42). Other jurists and State court employees, such as Pierce County Assistant Prosecutor Harmon, made similar genocidal statements: "We had the power and force to exterminate these people from the face of the earth, instead of making treaties with them. Perhaps we should have. We certainly wouldn't be having all this trouble with them today" (McCloud and Casey 1968:42). As Scheper Hughes asserts, "If there is a moral and political risk in overextending a powerful metaphor such as to 'genocide' into spaces where we might not have previously seen it, the reward lies in sensitizing

people to genocidal-like practices and sentiments that are daily enacted by ordinary citizens as if they were the most normal and expected behaviors" (Scheper Hughes 1996:890). Through naming these acts of structural genocide, it is possible to denaturalize Settler colonialism and render it visible as a persistent structure of invasion.

The State's persistent racist and genocidal discourse and violent "enforcement" tactics lit a fuse: "In January of 1964 the Nisqually, Puyallup and allied tribes formed the Survival of American Indians Association [SAIA] for the purpose of channeling their energies into a united fight. It is this group of Indians that has been the leaders of the resistance" (McCloud and Casey 1968:41). The SAIA was joined in their efforts by NIYC [National Indian Youth Council] member Hank Adams, "an Assiniboine and Sioux from the Fort Peck Reservation in Montana […] tireless, fiery, chain-smoking, lights-out brilliant, and soul-deep loyal to a sacred undertaking" (Wilkinson 2000:44). Founding members of the SAIA "included Al and Maiselle Bridges, Billy Frank Sr. and Jr., and Donald and Janet McCloud," with Janet McCloud being selected as the SAIA's first formal leader (Chrisman 2008:14). The confrontational tactics advocated by the SAIA caused them to be quickly disavowed by Tribal governments, who "believed that such uncompromising direct action would only damage ongoing efforts to improve their public image" (Chrisman 2008:15). Lack of Tribal governmental support notwithstanding, the call went out in February of 1964 for the first of a series of organized "fish-ins" (Deloria 1974; Chrisman 2008):

> These early protests resulted in major media attention, which provided a different view of the [N]ative Americans and their cause compared to the media coverage of earlier incident […] [N]ow the coverage depicted natives backed by NAACP [National Association for the Advancement of Colored People] Regional Director Jack Tanner, who simply said, "If the Indians are arrested again he 'plans to file a writ of habeas corpus in the United States District Court'." This was the beginning of the far more confrontational approach that the tribal governments had been leery of [Chrisman 2008:16].

As part of their array of tactics, the SAIA enlisted the help of celebrities to bring exposure to the violation of the treaty-protected rights and responsibilities of Puget Sound's ʔaciɬtalbix$^{w}$/First Peoples and, on March 2, 1964, actor Marlon Brando joined the fish-ins and, along with a number of fishermen, was arrested. Predictably, only Brando's charges were dropped (Chrisman 2008).

The following day, a second march on Olympia was held, and "journalists writing about the whole incident described 'a new kind of Indian warfare in which Hollywood showmanship and Madison Avenue promotion methods are used for defense'" (Chrisman 2008:17). In an effort to quell the flames, the State Department of Game issued a press release in which the Chief of the Department's Enforcement Division, Walter Neubrech, attempted to exploit the tribal factionalism that had developed in regard to the protests. Neubrech asserted that "less than 1% are actually fishing contrary to state law," and that "A fair number [of Native Americans][100] fish commercially during established seasons in keeping with conservation laws. A large majority of the Indian people are gainfully employed and support their families in various trades and professions other than fishing" (Chrisman 2008:18-19). In fact, Neubrech ridiculously laid the blame for the "drop in fish population on the Puyallup river to the unrestricted commercial fishing of 'three Indian brothers'" (Chrisman 2008:19). In an unintentionally revealing statement, Neubrech described the behavior of law enforcement: "It has been very difficult for a law enforcement agency to maintain dignity and proper respect for the laws of the state of Washington in view of the tremendous amount of public attention that has been directed towards this Indian fishery off their reservation" (Chrisman 2008:18). If enforcement officers were having difficulty behaving with dignity and obeying the law while the cameras were rolling, it is

[100] Addendum in Chrisman's text.

not difficult to imagine their off-camera violence. The state of exception into which sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples have been compelled via Settler colonialism:

> is paradoxical because it refers not to a general lawlessness but rather to a space without law constructed *within* the application of the law itself. It is in this sense that the exception occurs not in spite of the law but as one of its supports as a precondition to the law's application. As a consequence of the exception, human beings are found reduced to a "bare" existence, marginalized and stripped of dignity in the face of the law. The exception is twofold, because the *state* inflicts the exception on its *subjects*. Both are made symmetrically exceptional: the state is above and the subjects are below the law [Crompton 2010].

State police violence against sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples clearly illustrates how Settler colonial law *is* the state of exception.

At the federal level, however, there began to be a shift towards support for Tribal self-determination,[101] fueled in part by the recommendations of the American Indian Capitol Conference on Poverty in May of 1964 (Josephy 1971). The Conference took place as Congress was in the midst of drafting the Economic Opportunity Act [EOA], and a number of attendees "held consultations with influential administration leaders, including Vice President Hubert Humphrey and Secretary of the Interior Stuart Udall, and won their point" (Josephy 1971:54). When the EOA was enacted by Congress, it:

> included Indians as beneficiaries of the act's programs. For the first time, Indians were being asked to propose and work out the plans for the programs they wished to have on their reservations. Once the proposals were approved, funds were made available to the Indians, who administered the programs themselves. At last Indians were permitted to take responsibility for the management of, and the handling of monies for, reservation programs, and on the whole they proved that they were, indeed, able to run their own affairs. Though this right was extended only to their management of Office of Economic Opportunity programs, the experience was not lost on the Indians. Almost at once it quickened their demands for similar rights over all government programs on the reservations, including those funded by the Bureau of Indian Affairs [Josephy 1971:53].

[101] As will be discussed in later chapters and the conclusion, "self-determination" under the IRA is, more than anything, "a legal, political and cultural discourse designed to serve an agenda of silent surrender to an inherently unjust relation at the root of the colonial state itself" (Alfred and Corntassel 2005:598).

In August of 1964, Congressional hearings were held on two Senate Joint Resolutions introduced by Senator Warren G. Magnuson which were supported by the State of Washington and opposed by Tribes. "Senate Joint Resolution 170 would have recognized treaty rights but provided that state regulation would apply off reservation. Senate Joint Resolution 171 would have extinguished by purchase the off reservation fishing right" (AFSC 1970:109). During these hearings, numerous Tribal members and organizations testified as to the importance of the salmon fisheries to ʔaciɬtalbixʷ/First Peoples' cultural and economic survival. While "self-determination" may have been viewed as appropriate to some areas of Tribal existence, treaty-protected fishing rights seemingly remained outside of the scope of federal conceptions of tribal sovereignty, and both resolutions died in committee (AFSC 1970).

At the state level, the violent assaults against sqʷaliʔabs/Nisqually and Puget Sound ʔaciltalbixʷ/First Peoples fishermen and women continued, with Billy Frank Jr. and Al Bridges having their canoe rammed by police and almost drowning during an illegal arrest in the fall of 1964 (Wilkinson 2000). salətˀuɬkʷ Leonard Squally was also targeted by police and beaten:

> When we was fightin' for our fishin' rights, the riot squad busted my head open twice with a sap. Yeah, they busted my head open. The riot squad busted it open first time it was at Frank's Landing. We had a fish house there. Me and Reggie and Mona and Chubby Pickernell. We was at the Chief Tavern and we used to go down there and park and drink after the tavern closed. Reggie said "Go see what's goin' on!" So I got out, went and walked over down there. I met 'em just where the gate is to go to Wa He Lut? They knocked me down with a sap. Jackie McCloud come and picked me up and I hauled off and I knocked that one guy down and I was gonna put the boots to 'im. Jackie grabbed me. "C'mon! Let's go!" We run back to Bill Frank's house. They didn't come in [personal communication 2010].

In the State courts, conflicting decisions were being handed down, with Judge Cochran of the Pierce County Superior Court finding in a second case against Robert Satiacum that net fishing was legal within the boundaries of the Puyallup Reservation, and Judge Walterkirschen of King

County Superior Court making permanent the injunction against the Muckleshoot Tribe on Green River, and finding that the Muckleshoot are not a treaty tribe (AFSC 1970). At the Tribal level, Tribal governments sent a petition to then-Governor Rosselini calling for an independent study of the fisheries, and the Intertribal Council of Western Washington drafted a resolution "giving qualified support" for the newly proposed SJR 174 in regard to a comprehensive fisheries study. This resolution followed on the heels of a resolution passed by the National Congress of American Indians calling on Congress to delay action on fisheries legislation until after a study could be completed (AFSC 1970). Settler opposition groups issued their own resolutions, with the Washington State Sportsmen Council resolution of December 6, 1964 being one of the most virulent:

> Be it further resolved that the Department of Game and the Department of Fisheries open all affected streams and adjacent waters to all legal sport and commercial fisheries and to *allow such waters to become* barren until such time as the Congress of the United States or the courts of our land sets up enforceable regulations that will allow the State to carry on a reasonable fisheries management program [WSSC minutes quoted in Chrisman 2008:20].

This kind of scorched earth philosophy sits at the nexus of ecocide and genocide, and seeks to disrupt "the people's ability to fulfill their relationship with these relatives, who are brothers, sisters, and elders to them – it is as much a direct spiritual assault as it is a material assault" (Walters, Beltran, Huh, and Evans-Campbell 2011:181).

In May of 1965, in the midst of the Pierce County Superior Court case that would become *Department of Game v. Puyallup Tribe* (*Puyallup I*), Judge Cochran reversed his stance once again, issuing a permanent injunction against Puyallup Tribal net fishing based on the ludicrous reasoning that:

> there is no Puyallup tribe which succeeds in interest to the rights of the signers of Medicine Creek […] Judge Cochrane stated in his memorandum opinion: "…the Puyallup Allotment Act of 1893 (22 Stat. 633) and the Cushman Act of 1904 (33 Stat.

> 565) in effect, abolished the reservation and any fishing rights attached thereto as to any land sold subsequent to the allotment to individual Indians [Memorandum Opinion 158069 quoted in AFSC 1970:95].

Cochran's decision is rife with Settler colonial eliminationist rhetoric, including declarations that "Puyallup culture is dead…the only thing that survives are memories" (Memorandum Decision 158069 quoted in AFSC 1970:67). The decision was appealed and began winding its way through the higher courts. A few months after this initial decision, "in another effort to resolve the controversy, the Department of the Interior proposed federal regulation of off-reservation fishing," with a provision which provided for the potential "delegation of regulatory authority to the state," which was unacceptable to Tribes (AFSC 1970:109-110).

In the fall of 1965, Indigenous protests strengthened after the cornering of two teenaged boys on a logjam in the Nisqually River by state game wardens on October 9. Nisqually Tribal members rushed to protect the young men and "Before the night was over, every available unit of the Thurston County Sherriff's Office, the Pierce County Sherriff's Office, the Fort Lewis Military Police and Governor Evans' newly formed and specially trained State Troopers was at the scene" (McCloud and Casey 1968:30). A number of clashes broke out, but there were no arrests that night. A fish-in at Frank's Landing had been called for October 13, with widespread publicity for the action being accomplished. It is a great blessing for the sqʷaliʔabs/Nisqually people and other fish-in participants that this was the case, because the violence of the crackdown that evening might well have been much worse if there had not been a number of observers, some armed with cameras. At a prearranged time, Donald McCloud and Alvin Bridges, a number of boys and three reporters launched a boat into the Nisqually River. They were immediately rammed by three powerboats belonging to the State Department of Game. ʔaciɬtalbixʷ/First Peoples on the shore began to throw "anything they could lay their hands on"

at state forces, and a number of fights broke out as more police swarmed the riverbanks. Six people were arrested on the spot, and later that evening there was another clash on the river, with two more arrests and the detention of two young boys (McCloud and Casey 1968:32). “Indian mothers and fathers looked far into the night for their young boys, who were hiding in the woods from the now drunken wardens (they had been celebrating their victory)” (McCloud and Casey 1968:32). The drunkenness of wardens was also observed by Dr. Evan Roberts, Jr. of the American Friends Service Committee, who “accused them outright of being intoxicated” (McCloud and Casey 1968:34-35). One observer, “after watching the brutal manhandling of women and children, told a reported, ‘I think I’ll go home and throw up’” (McCloud and Casey 1968:32, 34).

Television camera operator Parris Emery, aged 69, filmed two young boys being beaten by game wardens and when he was discovered, he was attacked by the wardens and thrown in the river. “It was Emery’s unedited film that was seen nationwide” (McCloud and Casey 1968:33). Governor Evans blamed the violence on “‘irresponsible elements of the Indian population’; he further states, “The Indian treaty is nothing but a worthless piece of hundred-year old paper and it isn’t even worth the paper it’s written on’” (McCloud and Casey 1968:33). State Representative Hal Wolf, who arrived at the scene after the arrests, observed and spoke with children who had been beaten by game wardens and went to the jail where adult Tribal members were being held. In his subsequent statement to the press, Representative Wolf stated that “in my mind Gestapo methods were used against the Indians today” (McCloud and Casey 1968:33). Other observers made similar statements about the excessive use of force by state game wardens: “They were like animals that smell blood. Their whole treatment of the Indians was cold, premeditated and cruel, whereas the Indians’ reaction was normal, in the face of a situation

where their legal test was being used as an excuse to terrorize them" (McCloud and Casey 1968:35). In an attempt to distance the Tribal government from the protestors and conciliate with the state, "[t]he chairman of the Nisqually Community Council is said to have publicly characterized as renegades those taking apart in the demonstrations on the lower Nisqually River" (AFSC 1970:116). In the Nisqually Tribal Council's public disavowal of these "renegades," it becomes clear how "the most important strength of Indigenous resistance, unity, is also constantly under attack as colonial powers erase community histories and senses of place to replace them with doctrines of individualism and predatory capitalism: 'In the colonial context…the natives fight among themselves. They tend to use each other as a screen, and each hides from his neighbor the national enemy'" (Alfred and Corntassel 2005:603).

A march on the federal courthouse in Seattle took place on October 26 and, subsequently, the Bureau of Indian Affairs finally made a statement asserting federal supremacy over the regulation of treaty fishing. Arrests and actions continued throughout the remainder of the year and into 1966. In early February of 1966, the SAIA elicited the support of African-American comedian Dick Gregory, who participated in a fish-in at Frank's Landing on the Nisqually:

> I poled Dick Gregory and poled him up the river to the old concrete bridge. Set a net, poled him up there. There was about four of us in there. Me and Bill Frank, Al Bridges and Dick Gregory. Al come and got me. "Pole us up the river!" "Okay, I'll go down." And we kept doin' it and they'd come there. They finally come in the Landing and they were gonna raise hell with us. We had just come back from the bridge [salətʼuṗkʏ̓ Leonard Squally, personal communication 2010].

As the men returned to shore, game wardens swept in to make arrests. salətʼuṗkʏ̓ Leonard Squally declined to be taken into custody:

> Guy come runnin' down and he grabbed me. Tried to put the handcuffs on me and I threw him over my head out into the water. He couldn't touch bottom, he kept goin' under and they had to form hands. Hold hands and go out there and grab him. After that they stayed away from me. They wouldn't come near me. [laughs] But I did get my lumps. I got my lumps in, but I did get my head busted open twice. Got arrested twice.

> Busted my head open the first time when me and Melvin Iyall's wife, Hattie, they cut her hand up. They hauled her to the hospital, we're in side-by-side in the bed. I was waitin' to get sewed up and we were layin' there and she says, "Hold my hand, Leonard." So I was holdin' her hand. Doctor came in, "Just knock that off!" [salətˀuɒ̓kʷ̓ Leonard Squally, personal communication 2012].

The following month, the Squally brothers were due in court. Having been arrested five times for living the life that these lands and waters, and his ancestors, have provided for him, salətˀuɒ̓kʷ̓ Leonard Squally cannot remember to which arrest this court date pertained. "March 1, 1966, four Indians refused to show up in Tacoma Superior Court to show cause why they should not be held in contempt of court for violating the fishing injunction. In these rigged show-cause cases the Indians are not allowed a jury trial. Judge John Cochran issued arrest warrants for Alvin Bridges, Herman Johns, Jr., and Louis [sic] and Leonard Squally" (McCloud and Casey 1966:40). As protests, police actions, and arrests continued, Cochran's ruling in the Puyallup net fishing case which deemed the Puyallup Tribe non-existent was partially overturned but largely affirmed by the state Supreme Court in 1967. The court found that while the Tribe existed, the Puyallup Reservation no longer existed, that Puyallup Tribal members had no on-reservation fishing rights, and that their treaty-protected rights and responsibility within their homelands were subject to state jurisdiction (AFSC 1970). The Department of Justice had entered the case as *amicus curiae* and the tide began to shift in favor of the Tribes.

In July of 1967, the Bureau of Indian Affairs published rules and regulations regarding treaty-protected off-reservation fishing rights, exercising the federal government's pre-emptive authority (AFSC 1970). In May of 1968, the United States Supreme Court issued its decision regarding the appeal of *Department of Game v. Puyallup Tribe* (*Puyallup I*) (391 U.S. 392, 88 S.Ct. 1725, 20 L.Ed. 2d 689; 393 U.S. 898, 89 S.Ct. 64, 21 L.Ed, 2d 185 (1968)). "Although the Court noted that the treaty right 'may, of course, not be qualified by the state," it ruled that "the

manner of fishing, the size of the take, the restriction of commercial fishing, and the like may be regulated by the state in the interest of conservation, provided the regulation…does not discriminate against the Indians.'" (Blumm and Swift 1998:450). Contrary to its holding in *Tulee* that imposed an "indispensability" standard discussed above, "[T]he Court seemingly approved wide-ranging state regulation of the treaty right if the state merely showed that its regulation was a '*reasonable and necessary*' conservation measure, an issue left to the state courts to decide" (Blumm and Swift 1998:450; emphasis added).

Despite the schizophrenic nature of the decision, it was clear that the federal courts were disgusted with the State of Washington's jurisprudential racism and structural genocide: "The court criticized what it termed the state's 'menagerie' theory of treaty rights, under which the state seemed to assume "that the Indians are less than human and that their relation to their lands is not the human relation of ownership but rather something similar to the relation that animals bear to areas in which they may be temporarily confined'" (Blumm and Swift 1998:449). Representations of Indigenous peoples, landscapes, and their interrelationships as bestial "are deployed by the state in ways that reaffirm its geopolitical self-evidence and its authority to determine what issues, processes, and statuses will count as meaningful within the political system," and serve to justify the "extension of theoretically unlimited authority over them, rendering them external to the normal functioning of the law but yet internal to the space of the nation" (Rifkin 2009:91, 98)

The same month as the U.S. Supreme Court's decision in *Puyallup I*, a decision was handed down in *Menominee Tribe of Indians v. United States* (391 U.S. 404, 88 S.Ct. 1705, 20 L.Ed.2d 697 (1968)) in which the Court was held that the Menominee peoples' treaty-protected hunting and fishing rights had survived Termination. In a subsequent move which foreshadowed

formal federal recognition of Indigenous rights to a form of self-determination within the confines of Settler colonialism, Congress repealed a portion of P.L. 280 with the enactment of P.L. 90-284, which mandated that Tribes must give their consent to state assertions of civil and/or criminal jurisdiction (AFSC 1970). In tandem with this shift, protests gathered strength both here and in Indigenous Nations across the continent. On September 4, what was planned as a five-day fish-in commenced at Frank's Landing, soon becoming a months-long encampment which included a number of Settler allies (Chrisman 2008). In October, Yakama-Cherokee soldier Sidney Mills issued a profound statement in which he committed himself to the fight for Indigenous treaty rights and cultural and physical survival, declaring, "I HEREBY RENOUNCE FURTHER OBLIGATION IN SERVICE OR DUTY TO THE UNITED STATES ARMY" (Josephy 1971:81; emphasis in original). Speaking of the struggles of his relations in Puget Sound, he recounted the many acts of violence committed by state officials and citizens over the previous years, and posed some probing questions:

> Why can't an Al Bridges or Lewis Squally fish on the Nisqually without placing their lives and property in jeopardy, when 45,000 non-Indian citizens of this State draw their income from the commercial salmon industry? Why can't a Bob Satiacum or Frankie Mounts continue their ancestral way of life in fishing, when 500,000 sports fisherman pleasure themselves upon this resource? […] The oldest skeletal human skeletal remains ever found in the Western Hemisphere was recently uncovered on the banks of the Columbia River—the remains of Indian fishermen. What kind of government or society would spend millions of dollars to pick upon our bones, restore our ancestral life patterns, and protect our ancient remains from damage—while at the same time eating upon the flesh of our living people with power processes that hate our existence as Indians, and which would now destroy us and the way of life we now choose—and by all rights are entitled to live? We will fight for these Rights and we will live our life! [Josephy 1971:83-85].

The fire of resistance and resurgence reached across the continent, undoubtedly providing strength to Kanien'keha:ka/Mohawk people who began to take direct action against the attempts of the Canadian government to restrict the free movement of my peoples, confirmed by the Jay

Treaty, across the imposed U.S.-Canadian border (Deloria 1971). In Minneapolis, Indigenous peoples began to organize to fight police discrimination and brutality, and planted the seeds of the American Indian Movement (Deloria 1971). In November of 1969, the Indians of All Tribes occupied Alcatraz Island, galvanizing Indigenous activism across the continent (Josephy 1971). In March of 1970, the United Indian Peoples Council (later the United Indians of All Tribes) took over the abandoned Fort Lawton in Seattle under the leadership of Bernie Whitebear and Bob Satiacum (McRoberts and Oldham 2003). The fire was spreading throughout Indian Country and would not be extinguished.

In the meantime on the Columbia River, Yakama fishermen Richard Sohappy and his nephew David were arrested for gill netting and Hank Adams of the SAIA helped to secure funding from the NAACP to bring a test case (Wilkinson 2000). Law Professor Ralph Johnson, who had started teaching federal Indian law classes at the University of Washington in 1966 after being visited by a number of Indigenous activists, helped to file *Sohappy v. Smith* in the U.S. District Court in Portland on behalf of the Sohappys and a number of other Yakama Tribal members (Wilkinson 2000). "[F]ederal officials, moved by the repeated state criminal prosecutions of treaty fishermen, were persuaded to weigh in on behalf of the Sohappys, and the resulting case, *United States v. Oregon*, was consolidated with *Sohappy v. Smith*" (Wilkinson 2000:49). District Court Judge Robert C. Belloni was assigned the case, holding that while the state of Oregon "interpreted the treaty right to give the tribe only the same rights as other citizens […] '[s]uch a reading would not seem unreasonable if all history, anthropology, biology, prior case law and the intention of the parties to the treaty were ignored'" (Sohappy v. Smith, 302 F.Supp. 899 (D. Or. 1969) quoted in Blumm and Swift 1998:453-454). Belloni ruled that tribal fishers were entitled to a "fair share" of the salmon runs, and eventually established "detailed

procedural and substantive standards that the state had to follow in achieving 'coequal' status with the native fishery. These standards included 'meaningful' tribal participation in the development of harvest regulations," and were mandated to be the least restrictive possible while assuring adequate salmon escapement (Blumm and Swift 1998:454).

Federal recognition of Indigenous rights to quasi-self-determination was growing. On January 26, 1970, the National Council on Indian Opportunity issued a statement outlining necessary reform of all areas of Settler colonial administration of Indigenous existence: "In short, the Indian people want more services, more self-determination and relief from the hovering spectre of termination" (NCIO Statement quoted in Josephy 1971:194). In July, propelled by this statement, President Nixon officially ended the federal policy of Termination in a special Presidential Message to Congress, and proclaimed federal support for Indian Tribal self-determination. Nixon's message, however, "was no more than a statement of intent. It did not, by itself, bring about self-determination or any of the measures it proposed […] But it pointed federal policy in a new direction and demanded new thinking and attitudes from those in the federal agencies who dealt in Indian affairs" (Josephy 1971:211).[102] Perhaps realizing that the federal government was now moving to protect treaty rights, "The tribes' own organization and leadership had finally gotten on board with the protests, discarding their attempts at reconciliation and even forming an armed guard force to protect the sites" (Chrisman 2008:27). During a police raid on the Puyallup River on September 9, "Ramona Bennett of the Puyallup Tribal Council said 'If anyone lays a hand on this net they are going to get shot.' This militancy showed that the tribes now had governing councils that finally embraced the SAIA's confrontational demonstration methods" (Chrisman 2008:28).

[102] As will be discussed in the Conclusion, "self-determination" under the IRA is, more than anything, "a legal, political and cultural discourse designed to serve an agenda of silent surrender to an inherently unjust relation at the root of the colonial state itself" (Alfred and Corntassel 2005:598).

Nine days after the raid on the Puyallup, the United States, on its own behalf and on behalf of seven tribes as federal trustee, filed the landmark case *United States v. Washington* (384 F.Supp. 312 (W.D. Wash. 1974), aff'd, 520 F.2d 676 (9th Cir. 1975), cert denied 423 U.S. 1086 (1976)). The case was to be "litigated in two parts: Phase I determined the nature and scope of the treaty rights as they affected non-Indian fishermen. Phase II decided the allocation of hatchery fish and whether a habitat protection right existed" (Perron 2001:784). This same year, the American Friends Service Committee published *Uncommon Controversy: Fishing Rights of the Muckleshoot, Puyallup, and Nisqually Indians* (1970), quoted extensively throughout this section, which remains one of the most widely-cited accounts of these turbulent times.

At the time of its publication, *Uncommon Controversy* provided valuable support for treaty-protected rights to survival, as well as advocated for meaningful participation of Indigenous peoples in the decisions that affect our lives. The AFSC argued that:

> Communication in our society has been developed primarily by non-Indians, based on their view of what is good, their decision-making processes and their pragmatic experiences. Theoretically, in a democracy this serves all members equally well. However, those who differ significantly from the norms find that respect, opportunity for responsible participation, and equitable treatment are available largely in proportion to readiness to conform, and that unwillingness or inability to do so is viewed as incompetence or bad intent. The Indian, to the extent that his Indian-ness involves significant differences from the majority society, has become an alien, a stranger in his own land [AFSC 1970:145].

The AFSC also asserted that while:

> English is the first language in virtually all Indian homes in western Washington today, the constructs of the Indian tongues still affect the understandings and thought styles, even of many persons who have no actual knowledge of any Indian language […] An Indian attempting to convey his feeling and knowledge about fishing rights in a non-Indian setting such as a court of law is at a tremendous disadvantage, and stands in danger of being not only misunderstood, but rejected as incomprehensible [AFSC 1970:145].

Further noting that the economic situation of many Tribes and Tribal members limited their ability to hire court-approved expert witnesses and ability to capitalize on mainstream media, the AFSC concluded that "Indians are at a disadvantage in the effort to communicate, and non-Indians in the effort to understand, so long as it is insisted that the Indians perform according to standards not their own […] [S]pecial effort must be made both to hear what Indians are saying and to incorporate their views and knowledge into the overall decisions" (AFSC 1970:145).

Somewhat surprisingly, as *U.S. v. Washington* was getting underway, however, the people who had been arrested during the September 9 raid on the Puyallup were "acquitted by an all-white jury, who even accused police of conspiracy to bring about the violent confrontation," signaling a profound change in the attitudes of at least some of the citizens of Washington State (Chrisman 2008:28). With the exception of the shooting and wounding of Hank Adams by an unknown assailant, the remainder of 1971 appears to have been comparatively quiescent in Washington State. The following year, however, would prove 1971 to be the calm before the storm that raged across Indian Country. In the spring of 1972, the American Indian Movement [AIM] held a convention in Minnesota, during which disputes over the role and structure of Tribal governments, and calls for a return to traditional systems of governance became salient: "On the deeper ideological front, it was also apparent that the years of activity had produced an increasing sense of disgust among the activists for the tribal governments which were unwilling or unable to defend their own rights" (Deloria 1974:44).

The racially-motivated killing of Lakota Elder Raymond Yellow Thunder, a spate of murders in California, Arizona, and other states, and the autumn killing of Kanien'keha:ka/Mohawk activist Richard Oakes, a leader within the Alcatraz takeover, were galvanizing. In the fall, a number of activist groups met in Denver and began planning what

would the "Trail of Broken Treaties" caravan which traveled across the country beginning in October, stopping at reservations to gather supporters, stopping in Minneapolis to draft a list of "Twenty Points" regarding the reformation of the Tribal-federal relationship (Deloria 1974). The caravan arrived in Washington D.C. on November 3, 1972, and many of the participants had expected their Tribal leaders to have secured housing for them, gathering in the Bureau of Indian Affairs auditorium to await word regarding where they would be staying. "As the afternoon wore on, an arrangement was finally made to provide the Department of Interior auditorium for the protestors. As the Indians started to leave the B.I.A. building, some of the guards began to push the younger Indians out the door. Instantly, the situation changed" (Deloria 1974:54). The week-long occupation of the BIA headquarters was soon underway.

During this time of Indigenous resurgence, salətˀuṗkʷ Leonard Squally started a new life as a husband and father, marrying a woman, since passed, from the Warm Springs Reservation.

> Got married up here and we moved to Warm Springs. When we finally got married I worked in a mill down Olympia. Graveyard. And then my wife wanted to move back to Warm Springs […] I didn't get married 'til I was about thirty-eight years old. I got married the same day they did too. September 26th. And I didn't know that 'til after I got married and mom told me. "You got married the same day your dad and I got married" [salətˀuṗkʷ Leonard Squally, personal communication 2010].

In Oregon, salətˀuṗkʷ Leonard Squally was able to more freely live and learn in the way that his ancestors had fought and died to protect, without the same level of illegal interference by state "authorities":

> They fished off scaffolds. I helped Alex Henry build his and he let me fish on his scaffold. Down there in Oregon all you had to have was an Oregon driver's license. That was your permit to fish. I had Oregon driver's license. I fished on his scaffold about four, five years in a row. We'd fish with a dip net or set net. I'd stay with Alex all night and we'd haul our fish. I had about twenty to thirty salmon and I had to drive to Dalles. That was thirty or thirty-five miles. We'd sell our fish and eat breakfast and go home and go to sleep all day. He'd tell his boy and his daughter-in-law he says, "Don't you let nobody bother him. You let him sleep. They know he's got money" [salətˀuṗkʷ Leonard Squally, personal communication 2010].

salətʼupʔkʷ Leonard Squally spent many years in both communities, his sqʷaliʔabs/Nisqually family coming to visit him and his brother Chief [Albert], who had also gotten married to a woman from Warm Springs.

Back in Washington State, as a result of *Puyallup I* being remanded to the state courts in order for them to define "reasonable and necessary" conservation measures, the state Supreme Court held in *Department of Game v. Puyallup Tribe, Inc*. (80 Wash. 2d 256, 497 P.2d 171, 181 (1972)) that, with regard to the injunction against net fishing for steelhead:

> The state has clearly met that test [of being both reasonable and necessary], at least to the extent that it has established that the continued use by defendants of their drift nets and set nets would result in the nearly complete destruction of the anadromous fish (steelheads) runs in the Puyallup River and that a regulation prohibiting the use of such nets was necessary for the preservation of the fishery [quoted in Bean 1974-1975:19].

The decision was immediately appealed to the U.S. Supreme Court, becoming known colloquially as *Puyallup II* (414 U.S. 44, 94 S.Ct. 330, 38 L.Ed. 2d 254 (1973)), in which the Tribal treaty right was upheld. The Court held that in regard to the ban on net fishing, "There is discrimination here, because all Indian net fishing is barred, and only hook-and-line fishing, entirely preempted by non-Indians, is allowed. […] We reverse the judgment below insofar as it treats the steelhead problem, and remand the cases for proceedings not inconsistent with this opinion" (414 U.S. 44, 94 S.Ct. 330, 38 L.Ed. 2d 254 (1973)).

In August, *U.S. v Washington*, which had been assigned to Judge George Boldt, was separated into the two phases described above, the first phase being decided on February 12, 1974. "In culmination of nearly seventy-five years of litigation over the scope of these treaty rights, a United States district court judge held that the treaties entitled the tribes to a sufficient quantity of fish to satisfy their moderate living needs, subject to a ceiling of fifty percent of the

harvestable run," as well as confirming treaty-protected rights and responsibilities in regard to co-management (Perron 2001:784). In his opinion, Judge Boldt:

> invalidated Washington's regulatory scheme as systematically discriminatory against tribal fishing. He found that state regulation closed many historic tribal fishing sites to net fishing while commercial net fishers were permit[ed] to harvest salmon elsewhere on the same fish run. Judge Boldt further found that an allocation between native and non-native harvesters was required because the state-wide salmon harvest was insufficient to meet all demands. Interpreting the treaty language "…in common with…," Judge Boldt ordered the state to restrict the non-native harvest to fifty percent of the total fish harvest, essentially guaranteeing the tribes up to half the harvest [Perron 2001:794].

Judge Boldt stipulated that the federal District Court was to retain continuing jurisdiction over any remaining unresolved treaty issues, stipulating that the parties could each file a 'Request for Determination' regarding any such issue (384 F.Supp. 312 (W.D. Wash. 1974), aff'd 520 F.2d 676 (9th Cir. 1975), cert. denied 423 U.S. 1086 (1976)).

In May of 1974, the 9th Circuit Court of Appeals held that the Puyallup Reservation indeed still exists (496 F.2d 620 (9th Cir.) (*per curiam*), *cert. denied,* 419 U.S. 1032, 5 S.Ct. 513, 42 L.Ed. 2d 307 (1974)). In a subsequent proceeding, the State of Washington, the Department of Game, and the Department of Fisheries were ordered "to make significant reductions in the non-Indian fishery as deemed necessary to achieve the objectives of the court's definition of Indian treaty fishing rights" (Decision, Injunction, and Order, September 12, 1974). While such reductions had been promulgated in law, their enforcement in fact was being obstructed "by reason of certain directives and orders of the Thurston County Superior Court in *Washington State Commercial Passenger Fishing Vessel Association v. Tollefson,* No. 50380, *Washington Kelpers Association v Tollefson,* No. 50552 and *Puget Sound Gillnetters Association v. Tollefson*, No. 50757" (Decision, Injunction, and Order, September 12, 1974). The District Court enjoined the Thurston County Superior Court from enforcing its injunction in *Puget Sound Gillnetters Association v. Tollefson*, and barred the State of Washington from treating the

injunction as though it had the force of law. In December of 1974, the Pierce County Superior Court issued a memorandum decision in which it declared the Puyallup Tribe had no treaty-protected rights to harvest hatchery-bred steelhead (Preliminary Injunction and memorandum Decision January 14 and 20, 1975). Subproceedings of this historic case continue up through the present day. While the Ninth Circuit affirmed the Boldt decision in 1975 and the Supreme Court denied review of the case in 1976, "In two subsequent suits challenging the decision, the Washington State Supreme Court held Judge Boldt's allocation unconstitutional, finding that the decision discriminated in favor of Indian and against non-Indian fishermen. This decision created a conflict between state and federal decisions and forced the Supreme Court to consider the Boldt Decision" in 1979, as will be discussed in the next chapter (Perron 2001:795).

While the Boldt decision is hailed widely as a victory for Tribes and Tribal treaty rights, salaʔtuƛkʷ Leonard Squally conversely maintains that equity is not always justice: "Those fish were 100% ours until Boldt came along and screwed it up" (personal communication 2010). However, while 100% of the fish in the Nisqually River belong to the sqʷaliʔabs/Nisqually people, they have always been willing to share by permission with those who respect the ancient interrelationships of human people and salmon people. As I was drafting this chapter, my partner Chris recalled that when he was in kindergarten in 1976, he remembers his best friend, Robert Wells, Jr., taking him out on the river to help Robert Wells Sr. "get his nets ready for the first time in years because the river had been closed for a long time or something" (Christopher Bolender, personal communication 2012). After all of the violence and racism of whites during the Fish Wars, men such as Robert Wells Sr., Frank Mounts, Roy Wells, and salaʔtuƛkʷ Leonard Squally shared their time, knowledge, and love with a six-year-old Settler boy, teaching him how to fish and hunt in the ways of their sqʷaliʔabs/Nisqually ancestors in the many years to come.

**Part III: "Development" in the Delta**

It wouldn't be easy to pass on this knowledge, however, without fish to catch, animals to hunt, and plant foods and medicines to gather. In the face of massive post-World War industrialization and ecological destruction, Congress enacted dozens of environmental regulatory acts beginning in the late 1940s with the Federal Water Pollution Control Act of 1948 (P.L. 80-845, 62 Stat. 1155). The first major federal legislation pertaining to water pollution, this act:

> stated that the states have the primary responsibilities and rights in water pollution control; and it provided for the preparation of comprehensive plans to abate water pollution, for the encouragement of interstate cooperation in this endeavor, for federal financial assistance to states and municipalities, for the Federal Water Pollution Control Advisory Board, and for federal authority to seek judicial orders for the abatement of water pollution [Barry 1970:1104].

This legislation proved difficult to enforce, and has been amended numerous times throughout its history. Its passage was followed by the enactment of legislation pertaining to air pollution such as the National Air Pollution Control Act (P.L. 84-159, ch. 360, 69 Stat. 322 (1955)), the Clean Air Act (P.L. 88-206, 77 Stat. 392, 42 U.S.C. 7401 (1963)), and the Air Quality Act (81 Stat. 485, P.L. 90-148 (1967)), amended in 1970 with the passage of the Clean Air Act Extension (84 Stat. 1676, P.L. 91-604). This latter legislation "resulted in a major shift in the federal government's role in air pollution control. This legislation authorized the development of comprehensive federal and state regulations to limit emissions from both stationary (industrial) sources and mobile sources" (Environmental Protection Agency [EPA] 2012).

The Clean Air Act Extension was enacted just subsequent to the passage of the National Environmental Policy Act [NEPA] of 1969 (P.L. 91-190, 42 U.S.C. 4231 et seq.), "that established the U.S. Environmental Protection Agency (EPA). The EPA was created on December 2, 1970 in order to implement the various requirements included in these [two] Acts"

(EPA 2012). In addition to creating the EPA, NEPA was enacted "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans" including the preservation of "important historic, cultural, and natural aspects of our national heritage" (Sec. 101(a); Sec. 101(b)(4)). Through the mandated NEPA process, all federal agencies are required to evaluate the environmental effects of their all of their undertakings and the relative impacts of a range of alternative actions which they determine to be available to them in the context of each undertaking. A project may be categorically excluded from a detailed environmental assessment if it falls under a rubric previously determined by the agency as having no significant environmental impact. The next level of analysis requires an agency to undertake, for projects that do not fall under the categorical exclusion rubric, an environmental assessment [EA] which will either result in a Finding of No Significant Impact [FONSI] or will trigger the next level of analysis known as an Environmental Impact Statement [EIS].

Deeply intertwined with NEPA, and enacted three years previously, is the National Historic Preservation Act of 1966 [NHPA] (16 U.S.C. 470 et. seq.), which established a national historic preservation program in response to the transformation of sites and landscapes important to Settlers. As part of this program, an Advisory Council on Historic Preservation was created, and the Secretary of the Interior was authorized to create a National Register of Historic Places [NRHP] upon which properties could be listed if they satisfied the criteria of significance and integrity as defined by the Secretary of the Interior. Under Section 106 of the NHPA, adverse effects due to federal undertakings (things that the federal government does, permits, or funds) on properties listed, or eligible to be listed (after amendments in 1974), on the Register are to be taken into consideration by the head of the federal agency having jurisdiction over the

undertaking and, where feasible, mitigated or avoided (36 CFR 800). National Register eligibility is determined according to the property's conformity to one or more of the National Register criteria of significance promulgated under the NHPA, discussed below. The property must also exhibit what is called "integrity," or "the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period" in relation to the criteria under which significance is claimed (36 CFR 800).

NHPA and NEPA are intertwined for in terms of providing for the consideration of cultural and historic resources as part of an EIS under NEPA, agencies are directed to either follow the procedures outlined in Section 106 of the NHPA or to enter into agreements which satisfy or exceed Section 106 requirements. In 1972, President Nixon issued executive order 11593, specifying that properties deemed eligible for listing on the National Register should be treated as though they were already formally listed, and mandated that federal agencies "survey, inventory, and nominate all historic resources under their jurisdiction to the National Register," in addition to their previously articulated duties under both NHPA and NEPA (Creighton 2004:16). In combination, NEPA and NHPA today provide the most substantial federal legislative framework available for the consideration, if not protection, of sites and landscapes of cultural, historical, and spiritual significance to Indigenous peoples.

The practice of historic preservation was dramatically altered with the passage of the Archaeological and Historic Preservation (or Moss-Bennett) Act [AHPA], which expanded the Reservoir Salvage Act of 1960 (P.L. 86-523, 16 U.S.C, 469-469c). The 1960 Reservoir Salvage Act had been enacted as the archaeological community began to raise awareness regarding the destruction of great numbers of archaeological sites through massive dam projects for flood control and power generation. While this legislation was initially crafted to provide for the

recovery of archaeological materials during dam construction, it has been amended several times, becoming the Historic and Archaeological Data Preservation Act or Archaeological and Historic Preservation Act [AHPA] of 1974 (PL 93-291; 16 USC 469-469c), to include federal projects other than reservoirs. AHPA requires federal agencies to mitigate impacts and recover data in cases where their construction projects would result in the loss of archaeological or historic resources (Creighton 2004).

Because of the complex nature of these numerous articulated historic preservation laws, federal agencies began to hire archaeologists, historians, and other preservation consultants in order to help to achieve compliance. Additionally, "private cultural resources management [CRM] companies began to emerge" (Creighton 2004:17). These private CRM firms continue to dominate the field of historic preservation, employees entering into contracts with state and local agencies and corporations in order to undertake archaeological and historical surveys in compliance with state and federal law. At the state level, in 1967 Washington enacted the Historic Sites and Property Act (Revised Code of Washington [RCW] 43.51) which created the Washington State Register of Historic Places and designated the "Washington State Parks and Recreation Commission as the agency responsible for a statewide inventory, planning, and implementation program to be coordinated with the federal government" (Creighton 2004:25). I will return to a discussion of these acts, as well as subsequent federal and state environmental, historic preservation, and religious freedom legislation and jurisprudence in reference to federal and state undertakings within the sčəgʷalicu/Sequalitchew village ancestral landscape throughout the remaining chapters of this work.

In the midst of this scramble to stave off the devastation associated with development and industrialization through the enactment of environmental and historic preservation legislation, the Nisqually Delta became the focus of interest for a number of corporations and local agencies:

> In 1949, The Port of Olympia included the Thurston County portion of the delta in their future development plans. In 1964, the city of Seattle explored the possibility of using the Nisqually Delta as a place to bury its garbage. And in 1965, the Port of Tacoma amended its comprehensive plan to include 2500 acres of land for a deep water port in the Nisqually Delta. That same year, the Port of Olympia amended its comprehensive plan to include industrial development of 3300 acres of Hawks Prairie, the old Atlas Powder Company Site [McCurdy 1979:9].

Recall from Chapter 4 that the Atlas Powder Company Site includes a portion of the stolen South Bay/She-nah-num Reservation nestled within the ancestral village landscape of stɑtcás, east of t$^{u}$ts'étcax$\dagger$ and west of sx$^{w}$daʔdəb/Medicine Creek. Recall from Chapter 3 that these tidelands are said to have, "better soundings for a harbor than any other place on the east side of all these inland waters, reaching from Olympia to British Columbia" {DOI, ARCIA 1869:137). Seeking to exploit the depth of this glacially-carved inlet:

> Industrial development advocates believe that this eight square mile delta will evolve into a major Puget Sound shipping port where tankers and other cargo carrying vessels will meet rail and truck lines in an industrial complex spreading out into Pierce and Thurston Counties to the economic benefit of all […] The Nisqually Delta possess [sic] many of the requirements of a superport. There are sufficient railways to serve the area. There is direct freeway access to the delta. With dredging and backfilling there would be enough back-up space for the supercarriers. The natural water depth can handle superships [League of Women Voters 1970:8-9].

The Port of Tacoma had "reserved" these lands "in accord with the Port's legal powers through amendment of its Comprehensive Plan in December 1965 […] Inclusion of this land in the Port's Comprehensive Plan along with the Port's right of eminent domain means that the Port can condemn the land at any time it sees fit" (League of Women Voters 1970:10).[103]

[103] RCW 53.25.190 provides that "All port districts of the State of Washington which have created or may hereafter create industrial development districts in the manner provided by law, in addition to all powers possessed by such port districts, be and are hereby granted power of eminent domain to acquire real property within the limits of

The Port of Olympia also amended its Comprehensive Plan in 1965, after learning that the "per acre cost of developing the Nisqually would be higher than that of the Atlas Powder Site located on Hawks Prairie and recommend[ed] that the Port should first investigate developing the Atlas Site" (League of Women Voters 1970:11). In 1967, the Port of Olympia proposed that an aluminum plant be built on the Atlas Powder Works property (USFWS 2005). "In 1966 and 1967, to further stave off development, the Washington State Department of Game (now the Washington Department of Fish and Wildlife [WDFW]) purchased holdings of approximately 616 acres of delta tidelands and salt marshes" (USFWS 1005:1-2). In 1970, environmental groups such as the Nisqually Delta Association [NDA] and the Nisqually River Task Force [NRTF] were formed in response to these devastating development plans for "one of the few remaining vegetated nearshore estuarine habitats in the sound" (USFWS 2005:3-8). The NDA would come to be a major player in the battles over the "development" of the Delta over the subsequent four decades.

In its 1970 Interim Zoning Ordinance, Thurston County "allowed for industrial uses, except petroleum refineries or storage facilities, for the upland property with a transportation

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such industrial development district which property is marginal lands as the term is herein defined." RCW 53.25.30 defines "marginal lands" as "defined and characterized by any one or more of the following described conditions: (1) An economic dislocation, deterioration, or disuse resulting from faulty planning. (2) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development. (3) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions. (4) The existence of inadequate streets, open spaces, and utilities. (5) The existence of lots or other areas which are subject to being submerged by water. (6) By a prevalence of depreciated values, impaired investments, and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered. (7) In some parts of marginal lands, a growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare. (8) In other parts of marginal lands, a loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere. (9) Property of an assessed valuation of insufficient amount to permit the establishment of a local improvement district for the construction and installation of streets, walks, sewers, water and other utilities. (10) Lands within an industrial area which are not devoted to industrial use but which are necessary to industrial development within the industrial area." It is difficult to say which criteria a stolen Indian reservation might satisfy.

corridor to the water on the condition that a master plan for the entire development be approved by the planning commission" (McCurdy 1979:16). In response, the City of Tumwater enacted a resolution, petitioning "the Thurston County Commissioners to declare a moratorium on any industrial development of the Atlas Powder Site and the Nisqually Delta area until a county-wide comprehensive plan has been developed by the Thurston County Planning Commission and other responsible agencies" (City of Tumwater Resolution 64-2 1970). In 1971, the State Environmental Policy Act [SEPA], similar to the federal NEPA of 1969, was enacted. SEPA provides extensive procedural requirements for the consideration by state and local agencies of environmental impacts of decisions and actions under their jurisdiction, and the preparation of environmental impact statements [EISs] when adverse environmental impacts are indicated (RCW 43.21C).

That same year, Washington State enacted the Shoreline Management Act [SMA] in order to regulate development of waterfront areas and the wetlands associated with these shorelines (Municipal Research and Services Center of Washington [MSRC] "Shoreline Management Act"). Primary responsibility for compliance with the SMA is assigned to local governments who, under rules established by the Washington State Department of Ecology [DOE], develop shoreline master programs and oversee permitting and compliance (MSRC "Shoreline Management Act"). The act provides a classificatory system for the shorelines, each classification (natural, conservancy, rural, and urban) allowing a different level of disturbance to the environment. The SMA also "protected the shorelines of Washington State from specific human activities, and specifically indicated a stretch of the Nisqually Delta from DeWolf Bight to Tatsolo Point as a 'Shoreline of Statewide Significance.' The designation includes wetlands along these shorelines, minimally 200 feet inland from the high-water mark" (Fogel 2011). This

designation extends from the sxʷdaʔdəb/Medicine Creek village ancestral landscape, across the mouth of the river through the majority of the sčəgʷaliču/Sequalitchew village ancestral landscape including sčəgʷaliču/Sequalitchew Creek. Shorelines are defined in the SMA as including "all streams, rivers, and associated wetlands downstream from a point where the mean annual flow is 20 cubic feet per second or greater" as well as "all lakes and their associated wetlands which are 20 surface acres or larger in size" (McCurdy 1979:14). These designations and definitions become critical in relation to subsequent development projects within the sčəgʷaliču/Sequalitchew ancestral landscape, as discussed in remaining chapters.

After the enactment of the SMA, "Thurston and Pierce Counties designated the Nisqually Delta a natural environment with the diked portion conservancy. The Nisqually River was designated conservancy for most of its length with portions in natural and rural" (McCurdy 1979:15). Thurston County then submitted its Shoreline Master Program in which it designated the area around sxʷdaʔdab/Medicine Creek and the South Bay/She-nah-num Reservation tract as "urban," a designation which was rejected by the DOE, "effectively eliminating water access to the proposed industrial park" (McCurdy 1979:16). Across the Delta at sčəgʷaliču/Sequalitchew, the city of DuPont had grown to encompass "eighty-two acres, and was bounded by Interstate Highway 5 and the Burlington Northern Railroad on the south, Fort Lewis Military Reservation on the east, and otherwise surrounded by undeveloped land owned by E.I. Du Pont de Nemours & Co., whose explosives plant was less than a mile from the city limits" (Creighton 2004:84). In February of 1972, the city of DuPont annexed the adjacent DuPont Powder Works property, over 3,000 acres of which was then zoned for industrial development despite the fact that much of the land remained free from visible disturbance (Creighton 2004).

While at the state and local level, the Nisqually Delta was both being recognized as incredibly significant to the ecological health of the Puget Sound Region and as a desirable area for port and industrial development, "In 1971, in recognition of the significance of the area as a natural estuarine and aquatic ecosystem, the U.S. Department of the Interior designated the estuarine portion of the Nisqually River delta as a National Natural Landmark" (USFWS 2005:1-2). In 1972, Governor Dan Evans' Nisqually River Task Force advocated for the creation of a basin-wide management plan, recommended that the state purchase the Delta and, interestingly, that the state build a salmon hatchery on or near the Nisqually Reservation (McCurdy 1979). In concert with the 1971 recommendation of the Nisqually River Task Force that the Delta be set aside as a National Wildlife Refuge, in 1974 some "1,285 acres of diked grasslands, freshwater marshes, and tidelands were initially purchased with funds approved by the Migratory Bird Conservation Commission under authority of the Migratory Bird Conservation Act[104] and subsequently placed under the management of the [US Fish and Wildlife] Service" as the Nisqually National Wildlife Refuge [NNWR] (USFWS 2005:1-2). The Refuge is home to a number of species who would come to be protected under the 1973 Endangered Species Act (7 U.S.C. sec. 136, 16 U.S.C. sec. 1531 et seq.).

The establishment of the NNWR in concert with the enactment of more stringent state and federal environmental regulations may well have been primary forces behind the decision of the DuPont Company to sell the property which it claimed within the ancestral village landscape of sčəgʷaliču/Sequalitchew. While it is unclear why the study was requested, documents from the Pierce County Auditor's online Real Estate Index include a memorandum from the Washington State DOE requesting that the waters of sčəgʷaliču/Sequalitchew Creek and Lake be tested: "Samples of the effluent and the receiving water above and below the discharge point will be

[104] The Migratory Bird Act was first enacted in 1918.

necessary […] Analysis for Temperature, pH, bacterial count, ammonia, nitrate, phosphorous, alkalinity, COD, TDS, and volatile solids at each location" (Robinson Memorandum to Mike & Files & Pete Eildebrandt October 6, 1971). Testing was undertaken on December 28, 1971 and, in a prime example of the poor quality of environmental research that has been conducted within the sčəgʷaliču/Sequalitchew village ancestral landscape, the analysis undertaken showed that:

> The water entering Sequallitchew [sic] Creek from the ammonia dehydrator (Station 2A) is high in nitrate-nitrogen, ammonia and total solids; however, its effect upon the creek at Station 3 is barely discernible. A biological evaluation of the creek showed a substantial number and variety of aquatic invertebrates both above and below the discharge. This further indicates that there is little or no effect from the discharge since these organisms are continually subjected to its influence [Ron Pine Memorandum to Ron Robinson January 28, 1972].

The presence of organisms tells us nothing about their health, nor does a one-time sample provide adequate information for making the claim that the effluent discharge has no effect on the life within and around the creek. The fact that there had been testing conducted at all, however, indicates that there may have been concern with the impacts that the DuPont Powder Works operation was having on local ecology.

In addition to development restrictions within the SMA, and the strengthening of pollution controls, the incredibly significant Indigenous and Settler historic, archaeological, and cultural resources on the DuPont Powder Works property soon became the focus of preservation efforts. In July of 1974, the DuPont Company nominated the site of the 1833 Fort Nisqually (45-PI-53) to the National Register of Historic Places [NRHP] as provided for under the NHPA, discussed above. The Washington State Department of Archaeology and Historic Preservation [DAHP] maintains a database of archaeological site reports and investigations, yet there are no site records associated with this site number. A number of subsequent investigations, discussed below, have included discussion of the 1833 Fort site and, as will be shown, the manipulation of

site numbers and site data make tracking the current condition of, and impacts to, a number of archaeological sites within the sčəgʷaliču/Sequalitchew extremely difficult. In 1976, archaeologist Robert Kavanaugh documented the existence of the Sequalitchew Archaeological Site (45-PI-54) south of the creek along the shores of Puget Sound. This ancient shell midden, the cultural remains of one of the many longhouse areas within the sčəgʷalicu/Sequalitchew ancestral village landscape, was nominated by Kavanaugh and archaeologist Jeanne Welch to the NRHP in October of 1976. The nomination paperwork notes that:

> The site represents a type of site that has not been excavated or entered on the National Register of Historic Place in this area and the midden stratum at the north end of the site at a depth of three meters is normally indicative of a considerable prehistoric period and can be expected to yield significant information. This site would be the first step to document prehistoric occupation in the Nisqually Delta […] [T]he site is contiguous to a known village site, Segwallitsu [sic], (Gibbs and Eells) on Sequalitchew Creek which has been destroyed by the construction of a railroad spur line to carry material from the industrial complex to the shipping docks. The artifactual material in the midden site may contain valuable information relative to this village [Kavanaugh and Welch 1976 in Stratton and Lindeman 1977:46-47].

This is the first archaeologically-documented discovery of one the countless ancient sqʷaliʔabs/Nisqually cultural, historical, and spiritual sites within the ancestral village landscape of sčəgʷaliču/Sequalitchew. There would be many, many more "discoveries" to come.

While the presence of a National Wildlife Refuge, countless significant cultural and historic sites, restrictions on shoreline development, and an increasingly complex web of environmental compliance regulations may have deterred some corporations from seeking to purchase and develop the lands within the sčəgʷaliču/Sequalitchew village ancestral landscape, one corporation was undaunted:

> In 1976, the Weyerhaeuser Corporation began negotiating the purchase of the 3,200 acres, which consisted of the DuPont factor facilities and its surrounding area, for approximately $12 million. Weyerhaeuser, like its predecessors, focused on the great possibilities of an oceanic port, and the adjoining property could be turned into an export center for its forest products [Creighton 2004:86].

The purchase of the property was finalized that year. The sqʷaliʔabs/Nisqually ancestral village landscape of sčəgʷaliču/Sequalitchew, first usurped by the HBC/PSAC; subsequently stolen by illegal American squatters, Settlers, and the federal government through fraudulent treaty arrangements; subsequently partially enclosed within the barbed wire fence of the DuPont Powder Works, the remainder being stolen by Pierce County in 1916/1917 along with the eastern two-thirds of the Nisqually Reservation as a gift for the United States Army; and rendered by the Indian Claims Commission as an area "exclusively used and occupied" by the "Steilacoom Tribe of Indians," was now slated for "development" as a deepwater port and a center for the multinational machinations of capital and natural resource exploitation. The story of the devastation wrought upon this sacred ancient landscape and the desecration of countless sqʷaliʔabs/Nisqually ancestors by the Weyerhaeuser Corporation and corporations with whom it has relationships through leases and sales, through the persistent logics of Settler colonial elimination and structural genocide, will unfold in the remaining chapters of this work.

**Chapter 6: State and Corporate Logics of Settler Colonial Elimination**

In the mid-1970s, the Nisqually River Delta was considered to be "the least spoiled of all major estuaries in the nation" (McCurdy 1979:3). As discussed in Chapter 1, the Delta contains numerous habitats supporting a diverse range of plant, animal, and protozoic life; the estuary providing abundant food, shelter. And rearing grounds (McCurdy 1979). With the establishment of the NNWR in 1974, the 1974 federal District Court decision in *U.S. v. Washington* pertaining to the allocation and co-management of salmon between Tribes and the State government, and the tightening of state and federal environmental and historic preservation legislation, the battle over the planned development of the Nisqually Delta was just beginning. As early as 1970, the Weyerhaeuser Corporation, the illegitimate heir of the NPRR land grants cum timber tracts, had started searching for a deep water port location at which it could construct an international log export facility. The facility was intended to "provide a central location for receiving forest products from company operations in western Washington and allow for rapid loading of forest products into ocean going vessels" (McCurdy 1979:21; Creighton 2004). The DuPont Company "closed its explosives works in 1974 and dismantled the black-powder plant, a number of other structures, and some of the railroad tracks, which it had built over the years of its ownership" (Creighton 2004:3). DuPont began looking for a buyer for the plant property within the sčəgʷaliču/Sequalitchew ancestral village landscape, letting Weyerhaeuser know that it would be willing to sell (Creighton 2004).

As the companies were in the midst of negotiations, on June 2, 1975 Substitute House Bill 2526 was signed into law, designating the Washington Archaeological Research Center [WARC] at Washington State University [WSU] "as a coordinating agency to maintain and inventory of all sites and collections and make information available to persons contemplating

construction that might impact the state's archaeological resources" (Creighton 2004:26-27). The statute also made the WARC responsible for providing the State Advisory Council with information pertaining to the nomination of sites to the state and federal historic registers. Additionally, this legislation "authorized qualified archaeologists to enter properties for evaluation and site sampling only after receiving written permission from the public or private landowner," established penalties for the punishment of violators who looted sites without a permit (Creighton 2004:27). The term "qualified archaeologist" is defined in this legislation as "one with over three years training or experience" (Creighton 2004:26). Irrespective of permits or "qualifications," salaʔtuʔkʷ Leonard Squally, along with many Indigenous peoples, maintains that the excavation of archaeological sites amounts to looting and desecration.

One day after the enactment of SSB 2526, the City of DuPont issued its first Shoreline Master Program [SMP] under the SMA. Within this first SMP, the city outlined its vision for shoreline development, including policies "to restrict mineral extraction or exploration on or adjacent to DuPont's shoreline and the waters of Puget Sound in general" and "to encourage preservation and enhancement of fish and wildlife in this area for future generations in cooperation with State and Federal agencies" (City of DuPont 1975:4). The City also stated its policy to, "[i]nsofar as possible, guide any future development toward the preservation of historical sites along the shoreline," while simultaneously noting that "[n]o known historical sites [are] within the area covered by the Shorelines act. Preservation of those historical sites that fall within the City shall be given serious consideration in any overall development plans" (City of DuPont 1975:11, 54). Additionally, the 1975 SMP included the city's initial shoreline designations: "The Puget Sound shoreline on the east side of the Delta, a shoreline of statewide significance to Tatsolo Point, [had] been designated conservancy by the City of Dupont [sic],

with the exception of a portion at the mouth of Sequalitchew Creek, which was designated urban," leaving the door open to the industrial exploitation of the area around the creek mouth (McCurdy 1979:16).

Also left open was the future possibility of mining within city limits, so long as the mine operations resulted in "no permanent significant damage to the environment" (City of DuPont 1975:79). Importantly, in the Plan's Introductory Comments, the City noted that "Most of the property owned by the DuPont Company *has remained undeveloped*, acting as a 'buffer zone' for the operation. No immediate development is anticipated," but development was a recognized as a distinct probability within the subsequent twenty to thirty years (City of DuPont 1975:1; emphasis added). In regard to criteria for the issuance of conditional use permits for shoreline areas:

> the City (with DOE [Washington State Department of Ecology] approval) changed the conditional use criteria suggested by the DOE. It is further inescapable that the City made its criteria more restrictive and, therefore, more protective of the environment than the DOE's suggestions […] DOE adopted these modifications without question or comment when it approved the shorelines master program in June 1975. This is significant in view of the fact that DOE had "full authority" to modify, change or adopt new provisions of conditional uses on these "shorelines of statewide significance" if the master program "does not provide the optimum implementation of the policy of this chapter to satisfy the state-wide interest." RCW 90.58.090(2) [*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 743-744 (1985)].

As will become evident throughout the remainder of this chapter, these provisions of the City of DuPont's 1975 SMP, and subsequent SMPs and amendments, will become matters of contention.

In 1976, Weyerhaeuser formally announced its decision to purchase the 3,200 acre DuPont Powder Works property, securing the site for approximately $12 million (Creighton 2004).

> The Weyerhaeuser Company purchased the land with the knowledge that archaeological and historically significant sites with varied cultural impacts existed on some areas of the property. Fully mindful of these heritage values, however, it anticipated no conflict

> between them and the development of an export facility on Puget Sound. According to George H. Weyerhaeuser, former chief executive officer of Weyerhaeuser Company, "It was both economically feasible and environmentally achievable. The acreage was so expansive that there was plenty of room to consider the cultural resources and still utilize the property for an export facility and port" [Creighton 2004:101].

This expansive and largely undeveloped tract passed into Weyerhaeuser's hands, making the corporation the third major company (including the Hudson Bay and DuPont companies) to lay claim to the sčəgʷaliču/Sequalitchew village ancestral landscape after its theft from the sqʷaliʔabs/Nisqually peoples who have cared for, and have been cared for by, this ancient sacred and sentient landscape since time immemorial.

Shortly after purchasing the property:

> Weyerhaeuser hired the environmental consulting firm of Melchiors and McGreer to study Sequalitchew Creek, and determine if the Creek still qualified for shoreline protection. If the creek was removed from the SMA, Weyerhaeuser would not be required to submit shoreline development permits for the parts of [the property] which bordered Sequalitchew Creek. Melchiors and McGreer concluded that the annual mean flow of the Creek was 4.312 cfs, substantially short of the required 20 [cfs] [Andrews and Swint 1993:23].

One issue with Melchiors and McGreer's findings is that shoreline jurisdiction is calculated by *mean annual flow*, or the "arithmetic mean of the annual mean flows over a period of record involving several years" (DOE letter to James L. Mason, March 14, 1991, document in possession of salətʼuṗkʷ Leonard Squally). Melchiors and McGreer calculated the *annual mean flow* or, "the arithmetic mean of average daily flows for *one* year" (DOE letter to James L. Mason, March 14, 1991; emphasis added), which would result in an inaccurate estimation of flow if it were a particularly dry, or particularly wet, year. Another issue with their findings is that, "[t]he original USGS [United States Geological Survey] study of the flow done in the early 70s indicated a potential mean annual flow of 50 cfs" (DOE letter to James Mason, April 8, 1991, document in possession of salətʼuṗkʷ Leonard Squally). The creek at the heart of the

ancestral village landscape of sčəgwaliču/Sequalitchew, which had supported countless generations of sqʷaliʔabs/Nisqually peoples, had provided habitat for numerous salmon runs, had powered a number of sawmills in the mid-1800s, and which had in the early to mid-1900s provided enough water to supply hydroelectric power to the DuPont Plant and the town of DuPont, as well as providing irrigation water for local farms, was now being described as a trickle. The diversion dam constructed by the Army in the late 1940s-early 1950s, discussed Chapter 4, undoubtedly impacts the flow of sčəgʷaliču/Sequalitchew creek. Just how great of an impact the diversion has, as well as what the diversion means in terms of the shoreline status of the creek, will be discussed in the next chapter.

Subsequent to the enactment of the City of DuPont's 1975 SMP, Weyerhaeuser requested a shoreline development permit from the City, triggering environmental review under SEPA in the form of an EIS. "It is evident that the citizenry of DuPont did not have in consideration the construction and placement of this substantial project when enacting their shorelines master program and conditional use criteria" in 1975 (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 737 (1985)). The shoreline development "permit process involved not only the city, but also the state, because the EIS had to be approved and declared adequate by the state. Because the project contained development on the shoreline of a navigable waterway, the federal government, primarily the Army Corps of Engineers, had to issue a permit for construction of a dock in navigable waters" (Creighton 2004:106). The federal permit also required the preparation of an EIS and "both the Corps and the city of DuPont retained a national firm of engineers and planners" to prepare both documents (Creighton 2004:106). The decision for both the Army Corps and the city to hire the same firm assured that the findings of both

review processes would be congruent, a clear bias that the federal and state governments seemingly overlooked.

In May of 1976, a public hearing was held by the City regarding the issuance of a permit for the log export facility at which numerous environmental groups and private citizens raised objections to Weyerhaeuser's plans for the industrial development of the shorelines of sčəgʷaliču/Sequalitchew. "Objections were also raised to the state DOE's joining with Weyerhaeuser in the planning process," as the agency's oversight of the environmental review process under SEPA, in tandem with its involvement in the planning of the facility, would further ensure a highly biased assessment (Creighton 2004:103). "As a result, the DOE removed itself from taking a *formal* part in the planning process" (Creighton 2004:103; emphasis added). In her 2004 dissertation, historian Janet Creighton asserts that many of the objections to the project centered on the planned use of the old DuPont Powder Works dock for both log and gravel exports (Creighton 2004).

Creighton asserts, or appears to assert based on the placement of this information within the section describing the 1976 purchase and initial log export facility proposal, that upon purchasing the property Weyerhaeuser had *immediately* entered into negotiations with the Lone Star Sand and Gravel Company[105] regarding the potential mining of the northern portions of the DuPont property:

> In July of 1976, various environmental groups pressured Weyerhaeuser to locate the proposed dock north of the existing wharf and out of the line of sight from the Nisqually Wildlife Refuge. Weyerhaeuser initiated discussions with Lone Star Sand and Gravel Company concerning the northern portion of the DuPont property, which contained valuable gravel deposits. To capitalize on this asset, Weyerhaeuser applied to the state for a gravel-mining permit, with Lone Star as the operator of the pit under a long-term lease. Lone Star planned to use the DuPont Company dock as part of the water transportation system for the gravel it mined. Environmental groups objected to this application, under

[105] The Lone Star Sand and Gravel Company had become the successor in interest to the Seattle Sand and Gravel Company by this time. There would be several more successors to come.

> the reasoning that the dock and its operation would be visible from the Nisqually Wildlife Refuge located south of DuPont. This objection was withdrawn when Lone Star voluntarily agreed to move the dock north [Creighton 2004:103-104].

I have reason to question these assertions, as the application was not submitted to the state until 1990, and it was submitted by the Lone Star Sand and Gravel Company, not Weyerhaeuser, as will be discussed in the next chapter. In fact, at the time of Weyerhaeuser's purchase, Lone Star owned the land in question, selling it to Weyerhaeuser in 1986, and subsequently leasing the property back from Weyerhaeuser beginning in 1988. Additionally, Lone Star is never once mentioned within any of the administrative or judicial proceedings pertaining to the construction of Weyerhaeuser's proposed log export facility.

As Weyerhaeuser was beginning compliance with the permitting process pertaining to development within sčəgʷaliču/Sequalitchew, across the Delta within the sqʷaliʔabs/Nisqually ancestral village landscape of sxʷdaʔdəb/Medicine Creek, the Thurston County Commissioners held a hearing on July 27, 1976 regarding their proposed Shoreline Master Program, with countless people expressing opposition to the County's plans for zoning to allow the industrial development of the west side of the Nisqually Delta (Thurston County Board of Commissioners 1976). During this time:

> The Nisqually Delta was placed in a Threatened Category II status pursuant to Public Law 94-485 by the Heritage Conservation and Recreation Service of the Department of the Interior. This action was in recognition of major developments being proposed on both sides of the Delta, specifically those of the Weyerhaeuser Company at Dupont [sic] and Burlington Northern on Hawks Prairie [McCurdy 1979:21].

These proposed projects would also dramatically impact sqʷaliʔabs/Nisqually treaty-protected fishing rights and rights to co-management which had just been affirmed by the federal courts. The state of Washington, however:

> refused to accept the Ninth Circuit's decision and went to its own courts to nullify it. *Boldt* required the Washington State Department of Fisheries to adopt regulations to

> implement the decision. Immediately after the Department issued the regulations, commercial fishermen, assisted by State of Washington officials, filed suit in Washington state court seeking a writ of mandate "ordering the Director of Fisheries to issue regulations which apply equally and in a nondiscriminatory fashion to both treaty and non-treaty fisherman" [Belsky 1996:52].

Again we see the State of Washington's attempt to leverage the concept of equity as a deterrent to treaty-protected autonomy under Settler colonialism. As this suit, and others similar to it, began winding their way through the state courts, the second phase of the *U.S. v. Washington*, pertaining to the treaty-protected right to salmon habitat protection, commenced with the filing of proceedings in 1977 (Washington Forest Protection Association n.d.:2).

Additionally, recall from the previous chapter that Judge Boldt had decreed in his decision that the federal District Court would retain jurisdiction in the case to resolve any subsequent issues that arose pertaining to the interpretation of the treaties or his orders. Any party to the case could file a 'Request for Determination' regarding these issues (384 F.Supp. 312 (W.D. Wash. 1974), aff'd 520 F.2d 676 (9th Cir. 1975), cert. denied 423 U.S. 1086 (1976)). Subproceedings under *Boldt* continue to be adjudicated to this day, as the State of Washington refuses to accept the legal mandate that under the Supremacy Clause of the United States Constitution, treaties are the supreme law of the land. A number of these subproceedings pertain to the "equitable" division of hatchery-bred salmon, which the State asserted should not be counted within the allocation of 50% of the salmon to Tribes. In the midst of these legal proceedings, the Washington Department of Fisheries in 1976 began a formalized rearing program for coho salmon fingerlings in collaboration with the Army in sčəgʷaliču/Sequalitchew Lake, which had been enclosed within the boundaries of Fort Lewis (WDFW letter to Marla Swint, May 12, 1994, document in possession of salətˀuɬkʷ Leonard Squally). These hatchery fingerlings went out to sea via sčəgʷaliču/Sequalitchew Creek and returned to there as adults to

spawn. In addition to these hatchery coho, a wild run of chum salmon used spawning grounds within the lower 200 yards of the Creek (Andrews and Swint 1994). The hatchery program and its coho fingerlings, along with the wild salmon runs, were now slated for despoliation owing to Weyerhaeuser's plans for the construction of a massive log export facility..

In January of 1977, as the pre-draft consultations pertaining to the City's Draft EIS [DEIS] for the facility got underway, perhaps as a selfless gesture of corporate goodwill, "Weyerhaeuser donated approximately twenty-three acres to the City of DuPont for a park buffer around the historic village" connected with the Powder Works (Creighton 2004:107). Fully cognizant of the cultural and historical significance of this landscape to the sq$^{w}$aliʔabs/Nisqually peoples and to Settlers, and in conformity with the requirements of state and federal law, Weyerhaeuser entered into a contract with National Heritage, Inc., a private cultural resources management firm under the direction of Dr. Richard Daugherty in order to undertake a cultural resources inventory of the 3,200 acre property (Creighton 2004). "National Heritage, Inc. contacted Astrida R. Blukis Onat to serve as project director, Lee A. Bennett and Timothy Riordan to serve as project assistants (Volume I), and David H. Stratton and Glen W. Lindeman to serve as historians (Volume II). The project was conducted from March 15 to July 30, 1977" (Blukis Onat et al. 1977:vi).

In addition, National Heritage, Inc. secured the services of Nisqually Tribal historian Cecilia Carpenter to undertake a literature review which the National Heritage team used to guide its archaeological surveys (Creighton 2004). Carpenter:

> compiled a vast quantity of material concerning Nisqually Indian ethnohistory as it pertains to the Du Pont property. This material includes maps, drawings, photographs, letters, documents, articles, papers, books, and interviews with informants. All of this material was made available to the authors of this report as a basis from which to conduct field reconnaissance. In addition, Ms. Carpenter provided numerous references to specific

> locations and descriptions of sites which were vital to the rapid completion of the cultural resource inventory [Blukis Onat et al. 1977:2].

Cecelia Carpenter devoted many of the latter years of her life to protecting sqʷaliʔabs/Nisqually places and landscapes of cultural and historical significance, of which she was aware, within sčəgʷaliču/Sequalitchew. It must be kept in mind, however, that Carpenter did not grow up, or ever live on the Nisqually Reservation (Carpenter 2002:265). While these facts do not necessarily delegitimize her as a Nisqually Tribal historian, they certainly must be factored in to an understanding of the range of landscape and cultural knowledge she had. For example, it must be recalled from Chapter 1 that Carpenter had made reference to the deeply sacred kettle lakes of sčəgʷaliču/Sequalitchew as home to "a race of demons" (Carpenter 1994:41). It appears from this statement that Carpenter did not have access to the hereditary knowledge pertaining to these powerful places and, as a result, their cultural and spiritual significance and centrality within sqʷaliʔabs/Nisqually existence has never been taken into consideration within subsequent studies of this landscape, all of which rely on Carpenter's historical and ethnographic work.

Because of the involvement of the Army Corps in the permitting process for the log export facility, the 1977 National Heritage cultural resources survey was to be undertaken with the specific goals of compliance with both NEPA and NHPA in mind. What this means is that the identification of historically, archaeologically, and culturally significant places within the area of potential impact of Weyerhaeuser's proposed project had to be undertaken in conformity with the provisions of Section 106 of NHPA, so that the eligibility of these places for listing on the NHRP could be determined. Any site determined eligible for listing must be taken into consideration by any federal agency exercising jurisdiction over a project, and adverse impacts to these sites must be mitigated or avoided whenever feasible (36 CFR 800). National Register eligibility is determined according to the property's conformity to one or more of the National

Register Criteria promulgated under the NHPA and its "integrity" in relation to the criterion under which the property is nominated. There are four criteria of significance which can be applied to a property under the Section 106 review process: a) Association with historic events or activities; b) Association with important persons; c) Distinctive design or physical characteristics; or d) Potential to provide important information about prehistory [sic] or history (36 CFR 800). Prior to amendments to NHPA in the 1990s and the issuance of Bulletin 38 pertaining to traditional cultural properties, discussed below, these criteria were almost universally interpreted in reference to the significance of the property within *Settler* history, without consideration of its significance to Indigenous peoples. This is because "settler colonialism does not simply replace native society *tout court*. Rather, the process of replacement maintains the refractory imprint of the native counter-claim." (Wolfe 2006:389; emphasis in original).

In addition to measures of significance, measures of integrity can also prove to be quite problematic in terms of gaining consideration for sites and landscapes important to Indigenous peoples. With regard to integrity, "not only must a property resemble its historic appearance, but it must also retain physical materials, design features, and aspects of construction dating from the period when it attained significance. The integrity of archeological resources is generally based on the degree to which remaining evidence can provide important information" (National Park Service 1997:4). Because of the widespread of destruction of places of significance to Indigenous peoples through extractive land uses and other terrestrial and aquatic disturbance since the establishment of the United States, many significant sites may not retain Settler-defined archaeological integrity in relation to the site's condition during the period in which the site attained its significance (sometimes as far back as the beginning of time). Additionally,

significance itself may or may not in actuality be related to integrity, at least in terms of the way that these terms are defined in NHPA. For example, powerful beings and places "throughout the Coast Salish world still exist, often disturbed but not destroyed. The potential for people to encounter these powerful beings in these places remains" (Thom 2005:188). While a site may lose archaeological significance, this does not necessarily mean that it has become any less significant to those who draw their very breath from these places. And yet is it these archaeologically-derived measurements of significance and integrity, often ontologically incommensurable with Indigenous conceptions of these qualities, through which Indigenous interrelationships with places, and the places themselves, have the only available federal avenue of protection.

The field reconnaissance undertaken by National Heritage purportedly in conformity with Section 106 of the NHPA, "consist[ed] of a series of on-foot transects of the entire DuPont property to discover the locations of known and unknown sites, both historic and prehistoric [sic]" (Blukis Onat et al. 1977:3). During this reconnaissance, twenty-six sites were identified but not necessarily physically located, including eight sqʷaliʔabs/Nisqually sites (three of which are grave sites) and with nineteen Settler sites (eight of which are garbage dumps) (Blukis Onat et al. 1977). Their list of sqʷaliʔabs/Nisqually sites, including site numbers and the numbers used in the report list are as follows:

- 19) 45-PI-72 DuPont Southwest: this is the first recorded archaeological investigation of this extensive, ancient, and largely undisturbed shell midden situated on a bluff above the Nisqually Flats. At least, it had been largely undisturbed until Blukis Onat; et al. desecrated it by digging into it to try to determine its dimensions. National Heritage recommended that the site "be protected and preserved until such time as it can be

professionally excavated," rather than advocating that it be protected and left undisturbed (Blukis Onat, et al. 1977:47). This site would later prove itself to be the oldest recorded midden site in western Washington, as will be discussed below;

- 20) 45-PI-54 Sequalitchew: This is the ancient midden site recorded and nominated to the NHRP by Kavanaugh in 1976, as noted in the previous chapter. Blukis Onat et al. state that the nomination had been approved and that, "As the site is already registered, it was not considered necessary to test the location" at the time of their survey, but also that "a full scale test excavation is recommended. The test may need to be followed by total excavation if erosional activity is seen to be continuous" (Blukis Onat et al.1977:48);
- 21) 45-PI-73 Indian House or Indian Hall: the estimated location of this site, a cedar longhouse built outside of the Fort stockade, is included in Blukis Onat et al. yet they did not actually locate the site during their survey. They refer the reader to site #13 for treatment recommendations, which state that, "If there are parts of these sites still in the ground, they should be excavated before they are further disturbed," as though excavation is somehow not disturbance (Blukis Onat et al. 1977:49);
- 22) 45-PI-74 1843 Fort Nisqually Indian Camp: the estimated location of this site was noted in the report, but it was also not located during the survey;
- 23) 45-PI-75 Crystallizer: This site had been reported to Blukis Onat et al. by a former DuPont Company employee who "indicated that in the 14 years he had worked at the plant he found numerous artifacts, especially at the crystallizer site" (Blukis Onat et al. 1977:51). The exact location of this site was not determined during this survey;
- 24) 45-PI-76 Sequalitchew Grave Site: this site was also not physically located during the 1977 survey. Blukis Onat et al. assert that because the site is in the vicinity of the

Burlington Northern tracks that, "[i]t is unlikely that the grave site still exists, however, any construction in the vicinity would have to be monitored for potential human skeletal materials" (Blukis Onat et al. 1977:52);

- 25) 45-PI-77 Old Fort Lake Grave Site: again, this site was not located during this survey, but its estimated location was recorded based on ethnographic information. National Heritage recommended that, "The area should be further tested and any construction or additional ground moving in the area should take into consideration the possible discovery of a grave site" (Blukis Onat et al. 1977:52-53); and
- 26) 45-PI-78 1843 Fort Nisqually/Huggins Ranch Grave Site: the estimated location of this site was recorded, but no physical evidence was found at the time of the survey.

After making a number of recommendations pertaining to the further identification of sites, Blukis Onat at al. state that, "The above recommendations are suggested in order that an evaluative survey may be produced. An evaluative survey is here defined as a comprehensive on the ground search for, and evaluation of, cultural resources in the project area" (Blukis Onat et al. 1977:57). Under NHPA and NEPA, however, this is exactly what National Heritage should have done in *this* 1977 survey, if Weyerhaeuser or the City of DuPont were to be in compliance with federal law in relation to the log export facility permitting process and review processes.

There are a number of additional flaws in the 1977 Blukis Onat, et al. survey, including the fact that they misidentify at least one site, 45-PI-58, which they call the "Brickyard Dump" (Blukis Onat et al. 1977). Subsequent retesting of the site revealed that it was a Settler dump of some kind but that the Brickyard Dump "never existed […] There never was a brickyard at the DuPont plant" (Thompson 1993:2). The mischaracterization of this site shows just how little National Heritage knew about the history of this landscape. Infinitely more grievous are their

findings in regard to 45-PI-54, the "Sequalitchew Archaeological Site" identified and nominated to the NRHP by Kavanaugh in 1976, which Blukis Onat et al. (1977) identify as the 20th in their list. However, earlier in the report, they identify the 12th site in their list as 45-PI-54, calling it "Nisqually House," and describing it as the site of a 20 foot by 30 foot store built by HBC employees in 1832. Assigning an identical site number to two sites, one of which is an ancient and deeply sqʷaliʔabs/Nisqually significant cultural site, and one the purported site of a long-decayed HBC shack, National Heritage contributed to the Settler colonial erasure of sqʷaliʔabs/Nisqually history within the ancestral village landscape of sčəgʷaliču/Sequalitchew.

In her 2004 dissertation, historian Janet Creighton discusses the 1977 survey undertaken by Blukis Onat et al. in great detail. I was deeply disturbed by the fact that in this publicly available document, Creighton notes that specific places which I will not name "were considered areas of high potential as site locations where artifacts could be found" (Creighton 2004:111-112). In Chapter 1, I chose not to reveal the potential presence of artifacts around these "areas of high potential" out of respect for the spiritual societies who maintain deep interrelationships with these places and the ancestral cultural remains which can be found there. Why an "historic preservation professional" would leave a clear map for site looters to follow should they wish to steal sqʷaliʔabs/Nisqually and Puget Sound Coast Salish ʔaciɬtalbixʷFirst Peoples' cultural patrimony in a document available to anyone with access to a university library's article and research databases, is beyond my comprehension as both an Indigenous person and as a social scientist. This is not the only instance where Creighton reveals far too much information about sqʷaliʔabs/Nisqually ancestral gravesites, and archaeological, cultural, and spiritual sites, as will be discussed below.

On June 10, 1977, while the 1977 survey was being undertaken, Washington Governor Dixy Lee Ray signed HB 170 into law, amending the state's archaeological protection statute (RCW 27.53) and creating a new Office of Archaeology and Historic Preservation, to be headed by an appointee of the Governor's choosing (Creighton 2004). The position of State Historic Preservation Officer [SHPO], was created under the authorization of provisions of the NHPA, and tasked with the responsibilities of "maintaining a State Register of Historic and Archaeological Sites, preparing a statewide survey of such places for nomination to both the state and national registers, establishing a grants program, acting as SHPO under the criteria set up by federal law, and serving as director of the advisory council" (Creighton 2004:31-32). Also authorized by this legislation are historic preservation office staff, consisting of a chief of historic preservation, an archaeologist, an historian, an architect, and an architectural historian (but, unfortunately, not a cultural or environmental anthropologist) (Creighton 2004). Violations of state archaeology statutes were still considered misdemeanors, but the language pertaining to the class of potential violators "changed from 'any person' to 'any person, firm or corporation" (Creighton 2004:33). H.B. 170 also authorized the appointment of a nine-member advisory council, one of which must be a "Native American" (Creighton 2004:33). The amendments made to RCW 27.53 through the enactment of H.B. 170 completely restructured the State's historic preservation bureaucracy, and more closely tied the State's efforts towards the protection of culturally and historically significant places and landscapes to the requirements of NHPA.

In the meanwhile, across the Delta from sčəg$^{w}$aliču/Sequalitchew, the contiguous ancestral village landscapes of stɑtcás/South Bay, t$^{u}$ts'étcaxɬ/Henderson Inlet, and sx$^{w}$daʔdəb/Medicine Creek were again the subject of deliberations by the Thurston County Commissioners who in 1977 adopted the Northeast Thurston County Sub-Area Plan which

further restricted development within these landscapes. “The industrial park has been eliminated with only a 160 acre parcel of Burlington Northern property allocated to highway oriented light development” (McCurdy 1979:18). As it was now apparent that Thurston County would only allow limited industrial use of the property, Burlington Northern and a number of other property owners petitioned the City of Lacey for annexation, in order to circumvent the County’s decision:

> In the petitioner’s zoning plan for the area, 1370 acres were designated for heavy industry, 85 for limited heavy industry, 1380 for light industry, 190 for limited light industry, 260 acres for commercial and the remainder for various residential densities and a small park. The proposal also included access for marina shipping at the site of the old Atlas Powder Company warf [sic] [McCurdy 1979:27].

With the adoption of the Northeast Thurston County Sub-Area Plan on July 25, 1977, annexation to Lacey was Burlington Northern’s only hope of getting approval for their planned industrial development of the contiguous sqʷaliʔabs/Nisqually ancestral village landscapes of stɑtcás/South Bay, tᵘtsʼétcaxɬ/Henderson Inlet, and sxʷdaʔdəb/Medicine Creek and the exploitation of the deep waters off the shores of the stolen South Bay/She-nah-num Reservation tract (Thurston County Board of Commissioners 1977). In January of 1978, “the Lacey City Council deleted the waterfront section for the proposed zoning plan. While Burlington Northern and the Hawks Prairie Owners Association believe water access to be an important part of the proposal, annexation plans are proceeding without it” (McCurdy 1979:27).

As these events were unfolding within sqʷaliʔabs/Nisqually ancestral territories, on the national level the federal government was taking affirmative steps toward the protection of the rights of Indigenous peoples to the free exercise of our religions and the protection of our culturally and spiritually significant places. In 1978, the American Indian Religious Freedom Act

[AIRFA] was enacted, declaring the protection of American Indian[106] (individual) rights to believe, express, and practice our traditional religions to be national policy (42 U.S.C. 1996). The act directed federal agencies to evaluate their policies and programs "in consultation with native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices" (42 U.S.C. 1996). Righteously decried as "toothless" for its lack of provision of actionable causes to protect sacred sites and religious practices, AIRFA has nonetheless had a profound impact on federal historic preservation policies and the practice of archaeology, as discussed at several points within the remainder of this work.

The federal government also began efforts to identify and protect sqʷaliʔabs/Nisqually culturally and historically significant places within the NNWR. The first cultural resources assessment of the refuge was undertaken in the fall/winter of 1977 and published the following June. The USFWS had contracted with CH2M-Hill who, because they had no on-staff archaeologists, subcontracted with the University of Washington's Office of Public Archaeology to undertake the survey (Larson and Jermann 1978). This survey was conducted in compliance with the NHPA, as the USFWS was beginning to craft a comprehensive management plan for the refuge; an action considered to be a federal undertaking and subject to the provisions of Section 106. Larson and her team had hoped to survey the entire refuge, the map of their study area encompassing the ancestral village landscape of sxʷdaʔdəb/Medicine Creek, the mouth of the Nisqually River, and Red Salmon Slough, the boundary following the coast up into the middle of sčəgʷaliču/Sequalitchew. Larson and Jermann lament the fact that they were unable to gain access to the "lands lying between the east side of the Nisqually River and the eastern boundary of the proposed refuge," these lands being inclusive of the Weyerhaeuser-owned portion of the

[106] Defined as enrolled members of federally recognized Tribes.

sčəgʷaliču/Sequalitchew ancestral landscape (Larson and Jermann 1978:15). They further state that, "Informant reports indicate that the area is likely to contain archaeological sites and it is therefore imperative that this inventory be completed before undertaking any use of the property" (Larson and Jermann 1978:27).

Larson and Jermann are very clear about the limitations of their study, noting how surface reconnaissance is a very constrained approach to site identification (Larson and Jermann 1978). They also note, in contrast to Blukis Onat et al. (1977), that they took no samples from any of the sites that they identified. Nine of these twelve sites identified by this survey are ancient shell midden sites, eight of which are located in the area of the creek at sxʷdaʔdab/Medicine Creek, and one being located on a bluff above the creek (Larson and Jermann 1978). Larson and Jermann discuss the importance of undertaking further archaeological surveys in the area, finding that, "Historic land use and on-going urbanization have destroyed much of the data base in the region. The Nisqually National Wildlife Refuge offers a unique opportunity to preserve a significant aspect of the region's cultural record for the research, information, and enjoyment of future generations" (Larson and Jermann 1978:29). In such statements, we see how archaeology, through the appropriation of Indigenous cultural patrimony as "data" and birthright of future generations of Settlers, like all typical Settler narratives, "has a doubled goal. It is concerned to act out the suppression or effacement of the indigene; it is also concerned to perform the concomitant indigenization of the settler" (Johnston and Lawson quoted in Fukjikane and Okamura 2008:26-27). In 1978, most of the rest of the Nisqually Delta offered these "opportunities" for the "indigenization" of Settlers as well, as the DuPont property had remained largely undisturbed during the tenure of the Powder Company, as noted in the 1975 City of DuPont SMP discussed above.

In August of 1978, the City of DuPont released the DEIS for the log export facility, prepared on their behalf by the URS Company, was released to the public, thereby opening up the initial commentary period on the document (McCurdy 1979:21, fn 36). While I have been unable to locate this 1978 City of DuPont DEIS, it is evident that there was strident opposition to the findings as, "In September 1978 the Nisqually Delta Association filed a 21-page list of complaints against the draft EIS" (Fogel 2011). Subsequently, "on January 12, 1979, the Nisqually Delta Association and the Washington Environmental Council filed a suit with the Pierce County Superior Court to block Weyerhaeuser's plan to build an export facility at the Nisqually Delta" (Fogel 2011). This was one of a number of suits filed by the NDA and other groups and individuals. Because I have as yet been unable to obtain the records or decisions of a small number of these numerous court proceedings, I am not certain which objection was being raised in this particular Pierce County Superior Court case.

There is a reference within *Nisqually Delta Association v. DuPont* (103 Wn.2d 720 (1985)) to an earlier case in which:

> The adequacy of the final EIS ha[d] been adjudicated […] The Department of Ecology (DOE) determined that the final EIS met all legal requirements after lead agency responsibility was transferred to it in March 1979. Plaintiffs challenged the adequacy of the EIS in Pierce County Superior Court, where it was upheld. Plaintiffs have since withdrawn their appeal of the trial court's judgment [723-724].

The City's FEIS, however, was not issued until February of 1979. Before discussing the City's 1979 FEIS, it should be remembered that Creighton asserts that DOE had "removed itself from taking a formal part in the planning process" (2004:103). As this portion of the decision in *Nisqually Delta Association v. DuPont* (1985) clearly states, however, DOE had *reinstated itself as the lead agency*, replacing the City of DuPont and, rather than engaging in oversight of the project, categorically refused to fulfill its legal responsibilities, unilaterally

declaring the FEIS to be adequate rather than objectively reviewing it. Additionally, as the director of DOE was appointed by the Governor, and in 1978 Governor Ray had publicly expressed her support for the project in statements to the press, "Such statements ma[d]e it difficult for DOE to evaluate the problem objectively" (McCurdy 1979:27).

As with the 1978 DEIS, I have been unable to locate the City's 1979 FEIS, which was drafted in light of input received during the initial commentary period after the issuance of the DEIS. What I have been able to determine is that:

> In February 1979, DuPont issued and circulated the final environmental impact statement (FEIS) for the Weyerhaeuser export facility. However, prior to the filing of the required applications for substantial development and conditional use permits, Weyerhaeuser determined to alter and move the facility to a location different from that depicted in the FEIS as the proposed or alternate site [*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 737 (1985)].

The 1979 City FEIS is said to have:

> described and evaluated both a "proposed" and an "alternative" location. The alternative location was further to the south, closer to the wildlife refuge. The proposed northern location, however, crossed the jurisdictional boundary between DuPont and Pierce County, and consequently the boundary between the "urban" shoreline designation in DuPont and the "conservancy" shoreline designation in the Pierce County Shorelines Master Program […] Because the proposed location extended into Pierce County's conservancy shoreline, Weyco [sic] altered its plans [*Nisqually Delta Association v. DuPont* 103 Wn.2d 723 (1985)].

The permitting process, discussed below, began in 1981. These excerpts are provided here as background to the objections and litigation that followed immediately on the heels of the release of the City's 1979 FEIS. "After examining the available information pertaining to the proposed facility, the Nisqually Tribe determined that the project would have substantial adverse effect on tribal fishing rights, fishery resources, and cultural resources" (Creighton 2004:149). The Nisqually Tribe, however, now had the backing of the federal courts.

In the mid to late-1970s, the State of Washington had done everything within its

power, and taken actions in excess of its authority, to prevent sqʷaliʔabs/Nisqually and Puget Sound ʔaciɬtalbiʷxʷ/First Peoples' from exercising their treaty-protected, federally-confirmed, inherent fishing rights and responsibilities. "In 1979, in response to two suits brought by non-native fishers, the Washington State Supreme Court ruled that the state lacked authority to implement Judge Boldt's sharing formula, arguing that it was contrary to both state statutes and the Federal Constitution" (Blumm and Swift 1998:456). In response, Judge Boldt enacted a further series of orders subsequently upheld by the Ninth Circuit. The federal District Court held that:

> The state's extraordinary machinations in resisting [Judge Boldt's] decree have forced the district court to take over a large share of the management of the state's fishery in order to enforce its decrees. Except for some desegregation cases the district court has faced the most concerted official and private efforts to frustrate a decree of a federal court witnessed on this century [*Puget Sound Gillnetters v. United States District Court* (1979) quoted in Blumm and Swift 1998:457].

The structural violence of racism, embodied within and enacted by the State of Washington and its agencies and courts can, along with all forms of Settler structural genocide, "be traced back to personal violence in their pre-history" (Galtung 1969:178). The genocide which commenced with Governor Stevens' rabid persecution of sqʷaliʔabs/Nisqually and other ʔaciɬtalbixʷ/First Peoples has become sanitized, operating more insidiously through legislative and jurisprudential means. The structural genocide embodied within the State of Washington's attempts to prevent ʔaciɬtalbixʷ/First Peoples from being able to engage in ancient relationships of reciprocal sustenance, protected by treaty, necessitated the U.S. Supreme Court's review of the *Boldt* decision in *Washington v. Washington State Commercial Passenger Fishing Vessel Association* (443 U.S. 658 (1979)). In this case, the Court "ratified the equal sharing formula, noting that the treaty right prevented the state from

'crowding out' the tribal fishery, and that neither party could destroy the other's share of the resource" (Blumm and Swift 1998:457).

As the federal courts were upholding Indigenous treaty-protected fishing and co-management rights and responsibilities, the United States Congress was taking steps to protect Indigenous cultural sites from looting. Finding the Antiquities Act of 1906 to be an ineffective tool to prevent the looting of archaeological sites, the archaeological community worked with Congress to ensure the passage of the Archaeological Resources Protection Act [ARPA] of 1979 (P.L. 96-95; 16 U.S.C. 470aa-mm). This law is rather problematic for several reasons. First, it re-entrenches federal ownership of Indigenous cultural patrimony on federal and public lands, seeking to achieve Settler indigenization by defining these ancestral remains as "an accessible and irreplaceable part of *the Nation's heritage*" (emphasis added). Secondly, within ARPA, "archaeological resources" are limited to "any material remains of past human life or activities [of an age greater than 100 years] which are of archaeological interest" (16 U.S.C. 470bb). A site or object is found to be of "archaeological interest" if it is found "capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation and explanation" (43 CFR 7.3(a)(1)). What this means is that under ARPA, the ancestral human and material cultural remains of Native peoples must be found in an intact archaeological context (meaning they have not been disturbed or that they were not found on the surface of the ground) and subjected to analysis in order to determine if they are classifiable as "archaeological resources" and, thus, subject to protection under this act. Not only does this leave a wide range of cultural sites and materials unprotected, but it mandates

the scientific study of "archaeological resources," inclusive of ancestral human remains, found at these sites on federal lands, as well as mandating that any objects "discovered" on federal lands through activities permitted under this act are to be curated in a "proper" scholarly institution, museum, or federal repository, no matter what the objections of descendant communities are to these acts of structural genocide.

Despite such deplorable shortcomings, ARPA provides the first glimpse of a post-AIRFA heritage preservation landscape. In regard to archaeological resources on "Indian lands" as defined in the act, ARPA provided an avenue, for the first time, for Indigenous peoples to assert control over the cultural and skeletal remains of our ancestors. The Secretary of the Interior can only permit an ARPA excavation on Indian lands if the Tribe's governing authority allows the issuance of the permit. For Tribes with archaeological excavation legislation in place, Tribal members are exempt from the ARPA permitting process relating to activities on Indian lands, and instead are required to follow Tribal law. Additionally, in regard to archeological resources located on federal or public lands, if the activity for which a permit is being sought has the potential to "result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance" (16 U.S.C. 470cc(c)). While certainly not indicating a substantive consultation requirement nor providing an avenue for preventing harm to an off-reservation religious or cultural site, this notification provision with regard to ARPA activities on federal or public lands, and the Tribal permission provisions pertaining to ARPA activities on Indian lands, clearly indicate the beginnings of a marginally more just and respectful post-AIRFA federal historic preservation program.

All of these developments at the federal level regarding Indigenous rights seem to have been completely lost on the DuPont City Council which, in order to accommodate Weyerhaeuser's plans for the corporate devastation of the cultural, spiritual, and historical landscapes of sčəgʷaliču/Sequalitchew, pre-emptively amended the City's SMP in order to reclassify parts of the shoreline so that "development" could proceed apace:

> Weyerhaeuser and Burlington Northern, Inc., have petitioned the City to annex the lands described in Exhibit A. Weyerhaeuser has requested that those lands be zoned industrial and that the shorelines within them be designated Urban under the City's Shoreline Master Program to accommodate construction of the proposed dock at the preferred location. The City has prezoned those lands Industrial by Ordinance No, 225, effective as of the effective date of any annexation, has indicated an intent to annex those lands, and has petitioned the Pierce County Boundary Review Board for approval of the annexation. If the proposed annexation is completed, the property described in Exhibit A would become a part of the City of DuPont and subject to its laws, including the Shoreline Master Program. The Master Program must therefore be amended to include those additional lands [City of DuPont Ordinance No. 227, July 26, 1979].

The City Planning Agency, at a public meeting on June 9, 1979, had already passed a resolution in support of the proposed amendments to the SMP, and a public hearing had been held on July 25, the day before ordinance 227 was enacted (City of DuPont Ordinance No. 227, July 26, 1979). "The effect of these changes is to relocate the Urban classification approximately 1600 feet farther form the Nisqually Delta, and to designate as Conservancy that 1600 feet plus approximately 1000 lineal feet of shorelines in the northerly portion of the annexation area" (City of DuPont Ordinance No. 227, July 26, 1979). On January 30, 1980, the City of DuPont enacted Ordinance No. 229 after realizing that Ordinance No. 227, while intended to "relocate the Urban Environment designation approximately one-quarter mile northwards, without increasing its length," had in fact lengthened the area designated Urban by approximately 240 feet (City of DuPont Ordinance No. 229, January 30, 1980). Ordinance

No. 229 amended Ordinance No. 227 to shorten the length of the Urban designation, and contained language instructing the Mayor to forward both ordinances to the DOE for their approval.

The proposed annexation of these lands, and the reclassification of their contiguous shorelines, was subsequently approved by the Pierce County Boundary Review Board. The Review Board's decision was immediately appealed to the state Supreme Court by the NDA:

> pursuant to RCW 36.93.160(5), which states in pertinent part: Decisions [of the Board] shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision *or any person owning real property or residing in the area affected by the decision* files in the superior court a notice of appeal. *The filing of such notice of appeal* within such time limit *shall stay the effective date of the decision of the board* until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board. (Italics ours.) Petitioners concede this procedure was chosen to take advantage of the automatic stay granted during appeal. Respondents challenged petitioners' standing to appeal under RCW 36.93.160(5) asserting that none resided or owned property within the "area affected by the decision". Respondents' motion for dismissal was granted [*Nisqually Delta Association v. City of DuPont* 95 Wn.2d 563 (1981); emphasis in original].

The state Supreme Court held that the NDA and the other petitioners were not property owners within the proposed annexation area and, therefore, had no standing to appeal the Review Board's decision. The only two property owners in the proposed annexation area were Weyerhaeuser and Burlington Northern, and they certainly were not about to object to the annexation or reclassification. In this decision, the collusion of corporate and governmental interests which are integral to capitalist expansion, packaged as Settler colonialism in the United States, become rendered visible. The NDA appealed this decision, which would be reheard in 1981.

After the approval of the annexation by the County Review Board, on May 14, 1980,

the City of DuPont enacted Resolution No. 71, "declaring historical preservation to be of utmost importance to the citizens of DuPont" (Creighton 2004:163). At the federal level, the NHPA was amended in 1980, adding Section 110 to the act which more clearly articulated State Historic Preservation Office [SHPO] roles and federal agency responsibilities, including the establishment of comprehensive historic preservation programs, and the management and maintenance of register-eligible properties under their jurisdiction in accordance with the provisions of Section 106 of the Act. These amendments also provided the first specific reference to Tribes, as well as providing for grants to Tribes for the preservation of Indigenous cultural heritage (Suagee 1982). These same amendments directed the Secretary of the Interior to study the means by which "intangible elements of the nation's cultural heritage might be preserved, and to recommend ways to preserve and encourage the continuation of diverse cultural traditions" (NHPA 502; 16 U.S.C. 470a note). These amendments illustrate the continuing influences of the enactment of AIRFA with the recognition of Indigenous rights to our own cultural patrimony. Also present in these amendments are the first stirrings of the federal government's recognition of its responsibility to protect not just sites which leave archaeological signatures, but also those which may be archaeologically undetectable, yet are vested with deep cultural, spiritual, and historical significance because of their centrality within living Indigenous cultural teachings and practices.

It was also during 1980 that the federal courts began to evidence recognition for Indigenous rights and responsibilities in regard to salmon habitat protection with a crucial decision in Phase II of *U.S. v. Washington* (506 F.Supp. 187 (W.D. Wash. 1980). Recall that, "The complaint that led to the *Boldt* decision came in two parts. Part One, decided in 1974,

sought access to off-reservation fisheries […] Part Two involved the impact of activities on these fisheries and the obligation of the government to return the fisheries to their historic health" (Belsky 1996:50-51). The court had deferred adjudication of the second claim until after the first had been resolved. As Judge Boldt had passed away by this time, the case was assigned to Judge William Orrick. In *U.S. v. Washington* (Phase II):

> The tribes and the United States argued that authorization of non-native fishing and state authorization of "watershed alterations, water storage dams, industrial developments, stream channel alterations, and residential developments" led to a degradation of their usual and accustomed fishery grounds. Federal treaty rights implied a promise of habitat integrity and specifically granted the right "to have the fishery resource protected from adverse environmental actions or inactions of the State of Washington" [Belsky 1996:57].

The Tribes, and the United States as trustee, sought the Court's recognition of the duty of the State of Washington "to refrain from impairing the environmental conditions necessary for the survival of treaty fish" (Belsky 1996:59). Judge Orrick held that the State did indeed have this duty, and adopted the "moderate living standard" imposed by the Supreme Court in *Boldt* (*Washington v. Washington State Commercial Passenger Fishing Vessel Association* (443 U.S. 658 (1979)).

> Under this standard, the State had the burden to show that any environmental degradation of the fishery, if proximately caused by the State, would not harm the tribes' ability to meet their moderate living needs. The decision was historic because the court ordered the State of Washington to refrain from destroying the fish habitat to the detriment of the tribes' living needs. All agencies had to review their actions to ensure that their actions did not adversely affect the fishery habitat. If this review was ineffective, the tribes could seek further remedial action [Belsky 1996:59-60].

This landmark decision, based on the implied reserved rights[107] to salmon habitat protection intrinsic to treaty-protected fishing rights, was predictably appealed by the State of

[107] The doctrine of reserved rights, one of the canons of construction pertaining to the interpretation of treaties by the courts, arises from the fact that treaties are grants of rights *from* Tribes to the federal government. Whatever rights have not been expressly ceded by treaty are rights retained or reserved by Tribes (Getches et al. 1998).

Washington, as discussed below. While it was in effect, however, the State and its agencies were bound by the decision, and "federal agencies were subject to both the duties imposed by Phase II and additional trust obligations to the tribes" (Belsky 1996:60).

The Washington state courts and the DOE seemingly had no intention of abiding by Orrick's decision, as the events that took place with regard to the proposed devastation of the sqʷaliʔabs/Nisqually fishery in will demonstrate. Nor did they evidence any intention of protecting the ancestral village landscape of sčəgʷaliču/Sequalitchew from Weyerhaeuser's depredations. In January of 1981, after the issuance of the City of DuPont's DEIS and FEIS on the log export facility, Weyerhaeuser applied to the City for a new shoreline substantial development permit, in which the corporation:

> Proposed to locate the dock portion of the facility between and overlapping the northern and southern alternative dock locations, entirely within the DuPont city limits […] Because the application showed a dock location not precisely depicted in the EIS, DuPont asked DOE to review the EIS to determine whether the design change warranted preparation of a supplemental EIS. DOE did so, and informed DuPont the EIS adequately described and discussed the environmental impacts of the proposal. No formal notice of any change in the proposed dock location was given to any of the more than 20 agencies receiving the final EIS [*Nisqually Delta Association v. City of DuPont* 103 Wn.2d 724 (1985)].

The DuPont City Council approved Weyerhaeuser's permit application on February 18, and the NDA and other groups and individuals filed for a request for review with the Shoreline Hearings Board [SHB] "challenging the substantial development permit and alleging a conditional use permit was required" under the City's Shoreline Master Program (*Nisqually Delta Association v. City of DuPont* 103 Wn.2d 725 (1985)).

Prior to the SHB taking any action on this challenge, the State Supreme Court handed down a decision in *Nisqually Delta Association v. City of DuPont* 95 Wn.2d 563 (1981), in which the Court re-examined the intent of the state legislature when it employed the phrase

"area affected by the decision" in the statute under which NDA had initiated the case in 1980 (*Nisqually Delta Association v. DuPont* 27 Wn.App. 163 (1980)). The Court upheld its previous decision in a 5-4 ruling that the NDA and other petitioners had no standing to file the suit, again holding that only property owners within the proposed annexation area had the right to challenge a decision by a county boundary review board (*Nisqually Delta Association v. City of DuPont* 95 Wn.2d 563 (1981)). In the dissent to this decision, Justice Dore bravely bucked the tide:

> The unfortunate result of today's decision is to deny citizens their right to contest proposed boundary changes in their community. I cannot approve this unjust and unfair result; therefore, I dissent […] What makes the majority's decision particularly harsh is the *potential for abuse in the future*. Weyerhaeuser Company owns 3,200 acres of the approximately 3,300 acres comprising the City of DuPont. DuPont approved the annexation which had been petitioned for by the only two landowners of the property to be annexed—Weyerhaeuser and Burlington Northern, Inc. The majority has today held that only landowners of the property to be annexed can appeal such approval. RCW 36.93 providing for court intervention, can be circumvented by a citizen who has the wealth to buy all the property it wishes to be annexed, and then by petitioning for such annexation, effectively insulate its acts from scrutiny by judicial review. To hold that the "area affected" can only be the area to be annexed is to authorize the unfettered disregard of the community by a single citizen who purchases all the property sought for annexation. I would allow those neighbors who are actually affected by the annexation to have their day in court [*Nisqually Delta Association v. City of DuPont* 95 Wn.2d 573 (J. Dore, dissenting) (1981); emphasis added].

By insulating its actions from judicial scrutiny, Weyerhaeuser had inserted itself into the role of the sovereign regarding its "privately owned" swath of sčəgʷaliču/Sequalitchew, placing those opposed to its interests in a state of exception. Having pre-emptively bought their way to victory regarding annexation by virtue of its land ownership monopoly, Weyerhaeuser next had to deal with the issues arising from the NDA's challenge to their substantial shoreline development permit.

After NDA had filed their challenge with the SHB arguing that Weyerhaeuser needed

to amend its shoreline development permit application and resubmit it as a conditional use permit application, Weyerhaeuser requested that the City "reprocess its shoreline permit application under the conditional use procedures. Notice was again published and posted and a public meeting held. The Council unanimously approved the conditional use permit. The permit was approved by DOE in August 1981" (*Nisqually Delta Association v. City of DuPont* (103 Wn.2d 725 (1985)). In October of 1981, NDA and other plaintiffs filed another request for review with the SHB regarding both this new permit, and the State DOE's approval of the permit. "Plaintiff's appeals were consolidated and hearings held before the SHB for 6 days in January 1982" (*Nisqually Delta Association v. City of DuPont* (103 Wn.2d 725 (1985)). As proposed in 1982:

> The Weyerhaeuser project [was] a massive undertaking: the dock is as long as 3 1/2 football fields and has the potential for nearly continuous loading activity from a ship or ships aggregating 1,300 feet or more in length. Indeed, the environmental impact statement for the project identifies serious and substantial environmental effects which will result from the Weyerhaeuser project […] The notice of application for the substantial development and conditional use permits referred the public to the final environmental impact statement for a "complete project description". It is undisputed that the FEIS issued in February 1979 described a "proposed" forest products export facility in a "preferred" location which is substantially different from the approved facility location. The project approved is much closer to the Nisqually National Wildlife Refuge and much farther offshore than the project depicted in the final environmental impact statement. In comparing the two locations, the Shorelines Hearings Board found that there were several disadvantages to the location finally approved compared to that described in the FEIS. The Board said: First, it extends the dock some 1000 feet closer, about one third of the distance, to the Nisqually National Wildlife Refuge. Second, there will be increased disturbance of sediments during construction, due to thickening of the alluvial deposits at the permitted location. Third, there could be a more profound effect on the delta of Sequalitchew Creek and the important wildlife use of this area but this is difficult to quantify. From the foregoing, it is manifest that the public notice put the project in the wrong place, and the project described in the notice (similarly described in the FEIS) was a more desirable project than that which was actually considered by the City. Thus, the two dock locations are not equivalent: the new dock location, from the public viewpoint, being inferior to the original project. An accurate description of the proposal undoubtedly would have engendered much greater opposition to this project. The notice issued was misleading; it did not accurately locate the facility that was, in fact,

> being proposed for approval [*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 738-739,746 (1985)].

Furthermore, the new proposed location for the dock was "much closer to the Nisqually Wildlife Refuge and much farther offshore" (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 741 (1985)). The new location meant that there would be different environmental impacts resulting from the project, and the SHB "concluded that there were measurable differences and detriments connected with the new proposed dock location from that of the old. The weight of the evidence and common sense clearly dictate this change in dock location requires the minimum compliance of sending a written statement under WAC 197-10-660" (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 741 (1985)).

This state administrative code "allows the use of a previously prepared FEIS for a new proposed action when there are no substantially different impacts in the new proposed action" (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 741 (1985)). In such cases, the lead agency is empowered to either "prepare a supplemental EIS or send the 'written statement' of determination of nonsubstantial differences in impacts" (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 741 (1985)). If a "notice of intent" regarding the planned re-use of a prior FEIS is not sent, then a supplemental EIS must be prepared. While "the Department of Ecology informed DuPont that it did not have to prepare a supplemental EIS [SEIS], DuPont did not file the notice of intent to use the previous FEIS" (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 741 (1985)). Because of this failure, the City of DuPont should have had to undertake an SEIS, contrary to the DOE's holding that the City's 1979 FEIS was adequate for the consideration

of impacts resulting from the new proposed location (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 741 (1985)). By failing to properly disclose the change in location for the proposed dock, "the City of DuPont insulated its decisionmaking [sic] process from public scrutiny" (*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) 103 Wn.2d 742 (1985)).

As the SHB was considering the permitting issue throughout the remainder of early 1982, in April of that year:

> the real-estate branch of the Weyerhaeuser Company, in partnership with Burlington Northern, revealed plans to build an industrial and residential complex on the west side of the delta, called Hawks Prairie, for 6,000 residents and up to 20,000 jobs. Weyerhaeuser asked Thurston County to rezone the undeveloped land for high-density residential and light industrial use, up from low-density residential [Fogel 2011].

Having had the satisfaction of their hunger for profit delayed by numerous administrative and judicial proceedings pertaining to sčəgʷaliču/Sequalitchew on the *eastern* side of the Nisqually Delta, Weyerhaeuser, through its Weyerhaeuser Real Estate Company [WRECO] subsidiary, now turned to the uplands of the contiguous ancestral village landscapes of stɑtcás/South Bay, tᵘtsʼétcaxɬ/Henderson Inlet, and sxʷdaʔdəb/Medicine Creek on the *western* side. Despite widespread objection to development at Hawks Prairie, the project was ultimately approved and the area was incorporated into the City of Lacey (Fogel 2011). The majority of lands on the west side of the Delta, inclusive of the stolen She-nah-num Reservation, were now slated for destruction.

As regards sčəgʷaliču/Sequalitchew and the plans for the eastern Delta, on April 2, 1982, the U.S. Army Corps of Engineers released the federal FEIS which had been prepared according to the provisions of NEPA and NHPA. I have been as yet unable to locate the

Army Corps' earlier DEIS and the majority of the 1982 FEIS for the project. The only portions of this latter document which I have been able to obtain are a number of appendices which are in and of themselves revealing. The Army Corps found that the, "Construction and operation of the proposed export facility would have a variety of adverse and beneficial impacts. In general, impacts on the physical environment would be adverse, whereas impacts on the socioeconomic environment would be both beneficial and adverse" (ACOE 1982:n.p.). In addition to the numerous documented adverse effects on the ecological integrity of the ancestral village landscape of sčəg$^{w}$aliču/Sequalitchew, within these appendices are biological assessments specifically pertaining to potential impacts on endangered and threatened species. The study of potential impacts to the Bald Eagle noted that "The Thurston-Pierce County area surrounding the Weyerhaeuser-DuPont site and Nisqually Refuge may harbor as many as 31 Bald Eagles," and that while many eagles apparently used the project area during "fly-overs," and there was knowledge of recent nesting sites, there were purportedly no nesting sites within the project area. The study did find that there was a possibility of the establishment of future nesting sites, particularly around the area of Old Fort Lake (Martin Report quoted in ACOE 1982:E-13). The study found, however, that even if eagles returned to nest at Old Fort Lake, "This area is removed by at least 600 meters from those areas of proposed development and, therefore, activity associated with the proposed development would have minimal impact on future nesting attempts at Old Fort Lake" (Martin Report quoted in ACOE 1982:E-17). The Army Corps had apparently determined that six hundred meters is an impassable divide to an eagle. Another protected species discussed in the report, the Grey Whale, and Grey Whale habitat, were similarly said to be immune to impacts from the proposed project, despite the fact that a

juvenile whale had been sighted maneuvering through the pilings of the existing DuPont Powder Works dock in 1977 (ACOE 1982). The candidate species White-top Aster (*Aster curtus*) was also evaluated, and despite the rarity of this plant and dependence on undisturbed prairie environments, it was also held to be immune to impacts from the project (ACOE 1982).

With regard to cultural resources, the brief appendix contains only three documents, including one from Deputy State Historic Preservation Officer Jeanne Welch suggesting testing of the area around the Fort (although she does not specify which Fort), and recommending that "the area should be monitored during construction so that immediate action can be taken should human remains be exposed by construction activities" (Welch letter to Grant Bailey, URS Company, May 12, 1978[1982]:H-1, document in possession of salətˀuɬkʷ Leonard Squally). The other two letters, also from OAHP staff archaeologists, speak to the conclusion that the "project as proposed will have no effect on resources included or eligible for inclusion in the National Register of Historic Places," although how that determination was made remains unclear (Stump letter to Col. Moraski, Army Corps, July 15, 1981[1982]:H-3, document in possession of salətˀuɬkʷ Leonard Squally). Incidentally, gravesites are largely not eligible for listing on the NRHP.

One last set of documents must be mentioned. In the FEIS are lists of both State and Tribal salmon enhancement projects then currently underway within Nisqually Reach, the Nisqually River, Sequalitchew Lake, and a number of other sites. In a separate appendix containing a resolution enacted by the City of DuPont regarding Weyerhaeuser's shoreline substantial development permit application, exhibit "D" of the resolution, "Weyerhaeuser Export Facility Proposal Condition Re Indian Fishing Rights," states that:

> The City has no evidence that the project would impact the ability of any treaty Indians to obtain a *moderate standard of living* from fishing, or otherwise violate Indian treaty rights. Weyerhaeuser is requested to cooperate with the Nisqually Indian Tribe to determine the likely effects, if any, of the export facility on Indian treaty fishing and to use its best efforts to seek agreement on measures to mitigate any anticipated impairment of their treaty rights [City of DuPont Resolution No. 73, February 18, 1981[1982]:K-23; emphasis added].

Applying the "moderate living" standard articulated by Boldt and affirmed by Orrick, the City simultaneously states that they had no evidence of potential impairment of treaty rights, and yet "request" that Weyerhaeuser cooperate with the Tribe on identifying such impacts and to "use its best efforts" to seek the Tribe's agreement on "mitigations" of impaired treaty-protected rights and responsibilities. According to salətʼuṗkʷ Leonard Squally, the salmon fishery off the shores of the ancestral village landscape of sčəgʷaliču/Sequalitchew, was one of the most productive in this part of Puget Sound:

> salətʼuṗkʷ: When I was young I fished in the river and then in the seventies or eighties when I come back from Warm Springs, I come back in '81. I was fishin' out in the bay all in the eighties. And I run the Tribe's gill net. And I had my own seine net. I made a lot of poaching with them fish. The white man calls it poaching anyway.
>
> These guys…towards the end of the season they'd come back with twenty, thirty. I'd come in with about 400. "Where the hell ya fishin'?" "I'm fishin' right out in front." It'd get dark and I'd turn the lights out and reel the net in. On this side of McNeil Island. I'd set there and I'd turn the lights out. Goddamn ferry put that big light on me "TURN YOUR SET LIGHTS ON!" Okay. Just as soon as they'd leave I'd turn 'em out again. I'd pull my nets once and I'd line out again before daylight. I'd pull it in and I'd have four or five hundred. It was Anderson Island and McNeil Island. Anderson. Line right off that point and I'd just sit there and stay all night. Those fish swimmin' back and forth on both sides of the tide.
>
> Me: Did they say you were out of your area there?
>
> salətʼuṗkʷ: Yeah, we was. Made about seven thousand at the mouth of Chambers. I'd make one set, throw blankets over all my lights. Roger and Chief…"Leonard come in yet?" "Yeah." "Well, how'd he do?" "Oh, he made about seven thousand." Chief and Roger'd try to follow me around [personal communication 2012].

It was clear from the massive scale of the project that this bountiful fishery would be

devastated, and that the City of DuPont had unilaterally inserted Weyerhaeuser into the role of the federal government in requesting that the company seek the Nisqually Tribe's agreement to abrogate their own treaty-protected fishing rights—evidencing blatant disregard at best for Nisqually Tribal sovereignty and demonstrating Settler colonial elimination is naturalized within state, local, and corporate "development" projects and practices.

Historian Janet Creighton asserts that shortly after the release of the Army Corps FEIS:

> On April 26, 1982, [Weyerhaeuser] signed a memorandum of understanding (MOU) with the Washington State Historic Preservation Officer, the Nisqually Indian Tribe, the city of DuPont, and the U.S. Army Corps of Engineers, pertaining to cultural resources that might be present […] The purpose of the MOU was to provide a systematic and coordinated program to fulfill all conditions relating to cultural resources attached to a permit [Creighton 2004:114-115].

In the scores of documents containing references to the multiple agreements into which Weyerhaeuser entered with the Tribe, there is no mention of this April 26, 1982 MOU. In fact, Creighton herself states in a footnote referenced at the end of the last sentence in the excerpt above that, "The negotiations began in 1982 between Nisqually Chairman George Kalama and Weyerhaeuser Company, and concluded December 28, 1983, with Richard A. Wells signing for the tribe and John Larsen for Weyerhaeuser" (Creighton 2004:115, fn 33). The agreement which Creighton first asserts was signed on April 26, 1982 was not signed for another twenty months, as will be discussed below. Approximately one month after the release of the federal FEIS, the City of DuPont SHB confirmed the issuance of permits to Weyerhaeuser, placing a number of additional conditions on the log export facility proposal. The NDA and other plaintiffs appealed this decision in Thurston County Superior Court, the court upholding the decision of the SHB. After appealing the county Superior Court decision

to the Court of Appeals, Division Two, the case was transferred to the Washington State Supreme Court for review, which would not take place for almost three years (*Nisqually Delta Association v. DuPont* 103 Wn.2d 720 (1985)).

One of the restrictions in both the February 18 and August 20, 1981 shoreline substantial development permits, which I have not been able to locate, pertained to the development of the MOU which Creighton erroneously asserts as being signed in April of 1982 (and subsequently corrects as being signed on December 28, 1983) (MOU 1983). Creighton also asserts that this *Memorandum of Understanding Regarding Cultural Resources Potentially Affected by Weyerhaeuser DuPont Export Facility* was signed by Weyerhaeuser, "the Washington State Historic Preservation Officer, the Nisqually Indian Tribe, the city of DuPont, and the U.S. Army Corps of Engineers" (Creighton 2004:114). My reading of the signature page of this document does not allow for this strained interpretation. Examining a photocopy of the original document, the actual signatories to the MOU are Weyerhaeuser, the SHPO, and the Tribe. The MOU does not bind either the City or the Army Corps to its provisions as signatories. Below the signatures of the three authorized representatives of Weyerhaeuser, SHPO, and the Nisqually Tribe, and clearly visually and verbally distinguished, is the following:

> Accepted in satisfaction of Condition B.2 to shoreline substantial development permit No. 1 issued 2/18/81 and permit No. 2 issued 8/20/81. City of DuPont. By [signature] Pola A. Andre, Mayor. Date Jan. 24, 1984. Accepted in [satisfaction of crossed out and replaced with] conjunction with Condition No. 5 to Corps of Engineers permit No. 071-OYB-1-005087 effective March 11, 1983. U.S. Army Corps of Engineers. By [signature illegible]. Date [stamped] Mar 9 1984 [MOU 1983:7].

Interestingly, Creighton never once mentions that the MOU was a condition of these permits. I am unsure as to what the legal difference between the terms "in satisfaction of" and "in

conjunction with" would be in this context, as I have been unable to locate the actual Army Corps permit.

Recitals within the 1983 MOU state that both known and unknown cultural resources could be impacted by the project (contrary to the findings of SHPO staff, interestingly enough) and that the "Weyerhaeuser property contains cultural remains of at least one Nisqually village and the gravesites of ancestors of the Nisqually Indian Tribe; the Tribe has a vital interest in protecting these materials and gravesites and, if impact is unavoidable, in making certain that any excavation is conducted in a manner culturally acceptable to the Tribe" (MOU 1983:1). Within the Agreements section of the MOU, it is further noted in Agreement 7 that "Weyerhaeuser and SHPO may agree to modify the road and rail access routes to reduce adverse effects on cultural resources" (MOU 1983:5). There is no other mention of the possibility of avoiding the desecration of gravesites and sites of cultural, spiritual, and historic significance to sqʷaliʔabs/Nisqually peoples. Similarly omitted is the possibility of the Nisqually Tribe being able to prevent the archaeological disturbance of these sites through "data recovery," because under Settler colonial logics of elimination, the non-Tribal signatories presume that they have the right to commit acts of structural genocide against sqʷaliʔabs/Nisqually people, and have the backing of state and federal law. Why the Nisqually Tribal Council did not object at this time to archaeological testing and desecration of sites is unknown to salətʼuṗkʷ Leonard Squally.

The 1983 MOU: mandated that a comprehensive pre-construction cultural resources survey be undertaken by Weyerhaeuser; required the monitoring of construction activities in several areas including both potential and known gravesites; mandated that the cultural resources consultants with whom Weyerhaeuser was to contract for the survey "will train

representatives of Weyerhaeuser and its contractors in recognition and protection of cultural resources and in their obligations under this agreement and the historic preservation laws"; stipulated that authorized representatives of the Tribe could monitor any construction at any time; provided conditions for work stoppage and resumption; contained provisions regarding "artifact recovery and recording," project modifications, and consultation with federal agencies; and affirmed Weyerhaeuser's responsibility to work with SHPO to prevent site looting (MOU 1983:6). One remaining, and rather problematic, Agreement can be found within this MOU: "Weyerhaeuser *expects* to donate all recovered Indian artifacts to the Nisqually Indian Tribe, or to a non-profit agency designated jointly by the Nisqually Indian Tribe and SHPO" (MOU 1983:6; emphasis added). Why the Tribe did not insist that all of its desecrated cultural patrimony be *mandated* for repatriation from Weyerhaeuser remains another question for which salətʼuṗkʷ Leonard Squally has no answer.

Speaking of Weyerhaeuser, as though plans to destroy the salmon fisheries and culturally important places at sčəgʷaliču/Sequalitchew and throughout the Delta weren't enough of an assault on sqʷaliʔabs/Nisqually survival and treaty-protected rights and responsibilities, the timber corporation began to install locked gates on roads leading into prime sqʷaliʔabs/Nisqually hunting territory. "Yeah we did a lot of huntin' up in the Bald Hills for about ten years, ten or twelve years. They put up the gates on us. Locked us out. Now they're tryin' to lock us outta Saint Helens. Weyerhaeuser is the biggest crook in the land" (salətʼuṗkʷ Leonard Squally, personal communication 2010). salətʼuṗkʷ Leonard Squally's cousin, friend, and long-time hunting partner Roy Wells relates some of his experiences with Weyerhaeuser's attacks on treaty-protected subsistence rights:

> Roy Wells: There's another migration route by Tenino, on this side of Tenino. Tenino, Rainier. Weyerhaeuser closed all the gates out there. That's where we hunted.

> On Johnson Creek Road. Me and Leonard took quite a few elk outta there through the years. But they closed that down to us and it was just only five miles from where we live. And Thompson Creek was only a little bit further than that. Skookumchuck area. We hunted Saint Helens for a while. But they started a vigilante group down there and they'd follow us around and harass us. This musta been in the 80s. […] They started harassin' us down there. Just about everyone who went huntin' down there […] That's our U and A grounds down there. That's what we claim. After we made an agreement to stay above Skookumchuck, it was just an agreement, we still consider that our area down there. […] With the state I guess. Our huntin's going into court. The Tribe don't get very many elk a year compared to what the state gets. What state hunters get [Roy Wells, personal communication 2010].

In the mid-1980s, treaty-protected hunting rights came under juridical assault by the state of Washington in the first post-*Boldt* decision hunting rights case that I have been able to locate. In *State v. Miller* (102 Wn.2d 678 (1984)), my cultural advisor sm3tcoom Delbert Miller and fellow tuwaduq/Skokomish Tribal member Lloyd Wilbur Sr. appealed a decision which had found them guilty of violating state game conservation laws:

> Petitioners, Delbert Miller and Lloyd D. Wilbur, Sr., stipulated to shooting a cow elk in the Olympic National Forest during a season closed to such hunting. They asserted they were guaranteed the right to hunt in this area, free of state regulation, by the Point No Point Treaty of 1855. Petitioners also claimed that they were guaranteed the right to take this one elk for a religious ceremony under the free exercise clause of U.S. Const. amend. 1 [*State v. Miller* 102 Wn2d. 678 (1984)].

The State of Washington argued that their game regulations were "reasonably necessary" to conservation, erroneously applying the standard articulated within a long line of case law from *Tulee* (1942) onward that conservation regulations had to be *both* reasonable *and* necessary in order to justify interference with treaty-protected fishing and hunting rights. While the trial court upheld Miller and Wilbur's convictions, the appellate court reversed the lower court's decision, resulting in a landmark victory for Tribes. However, salətʼuṗkʷ Leonard Squally and Roy Wells caution us to always remember the inherent injustice of "equity" within all of these fishing and hunting rights cases: "Like Leonard said,

they didn't give us fifty percent. We had one hundred percent. Leonard told me that a long time ago. We had one hundred percent. And they took fifty percent away from us. And it's probably gonna happen with the hunting too" (Roy Wells, personal communication 2010).

As these assaults and victories were unfolding, Weyerhaeuser was still awaiting the resolution of NDA's objection to the permits issued by the City of DuPont's SHB. On March 7, 1985, the State Supreme Court handed down its decision in *Nisqually Delta Association v. DuPont* (103 Wn.2d 720 (1985)). The 7-1 majority predictably upheld the SHB's decision to issue the permits. In the lone dissent to the decision, Justice Dore once again bravely took a stand against the court's farcical decision:

> The majority opinion destroys the intent and purpose of the notice provisions of the State Environmental Policy Act of 1971, RCW 43.21C, the Shoreline Management Act of 1971, RCW 90.58, and approves a proposed project that is contrary to the City of DuPont's shorelines master program […] The majority finds that a literal interpretation of the no-adverse-effects language would end any development of the DuPont shoreline, and defeat the overall purpose of the shorelines master program. The majority reasons that strict application of the criteria would mean that nothing would be permitted to be located on the DuPont shoreline, even the most minor uses. This proposition is, of course, hypothetical and contrary to the present facts […] Aside from the hypothetical nature of the majority's argument, there is no support in the record for the proposition that nothing can be built on this shoreline if the conditional use criteria are applied. For the majority to rule that these provisions somehow result in absurd results is to say that citizen committees and local governments cannot adopt stringent programs to protect the environment. That certainly cannot be the case under the terms of the Shoreline Management Act of 1971. Here, a previous city council chose, on recommendations of a citizens advisory committee, to adopt strong protections for its shorelines. To those concerned with the protection of the Nisqually Delta, this was a considerable victory. However, now the same City (but a different city council) simply ignores what it has written into law and adopts a new standard, all because a certain project has arisen. Merely because Weyerhaeuser now has ownership of 3,200 acres of the approximately 3,300 acres comprising the city of DuPont does not permit the City to ignore the plain language of its own ordinances in order to accommodate the desires of Weyerhaeuser. This is ad hoc decisionmaking [sic], ignoring and contradicting the terms of an adopted local ordinance and approved state regulations. The majority adopts a rule which allows local government to emasculate its own laws by circumvention [*Nisqually Delta Association v. DuPont* (J. Dore, dissenting) (103 Wn.2d 740-741, 747 (1985)].

Much as he had done in his dissent to the prior decision in *Nisqually Delta Association v. DuPont* (1981), Justice Dore here provides a disturbing glimpse into the machinations of capital and the untroubled eagerness with which the City of DuPont, the State DOE, and the State courts appeared to be laying prostrate at Weyerhaeuser's feet, begging for their own defilement and for the devastation of the ancestral village landscape of sčəg$^{w}$aliču/Sequalitchew.

1985 was also the year in which the Ninth Circuit partially vacated Judge Orrick's landmark 1980 decision regarding the Tribal treaty right to salmon habitat protection:

> The 9$^{th}$ Circuit thus recognized that the state has obligations to take reasonable steps to "preserve and enhance the fishery" when considering individual projects that may have a significant environmental impact. However, it reversed the District Court with respect to the relief granted. The District Court (Judge Orrick) had granted a sweeping declaratory judgment and injunction, which the 9$^{th}$ Circuit characterized as an "environmental servitude," not tied to the facts of any specific situation […] It rejected the approach of granting broad, programmatic relief but left open the possibility for fact-specific future cases by tribes to prevent the state from undertaking itself or approving land use particular projects that would have significant adverse effects on treaty Indian fish harvests [WFPA n.d.:1].

There was concern at the time that this decision would lead to countless subproceedings, "or separate suits by tribes challenging particular state and private land use activities. Somewhat surprisingly, the tribes have filed only a few such claims and most have been settled or dropped before trial" (WFPA n.d.:1). The Nisqually Tribe chose not to pursue litigation against Weyerhaeuser, the City of DuPont, the DOE, or the State itself under *Boldt II*. Perhaps this is because "The tribes do not see a high likelihood of success and instead are focused on preserving their rights to appropriate allocation of the resources if and when the salmon and steelhead stocks are found to be threatened or endangered under the Endangered Species Act" (Belsky 1998:64).

It was also in 1985 that the City of DuPont enacted its first Comprehensive Master Plan [CMP]. While I have not been able to locate a copy of the 1985 CMP, the City's 2008 Comprehensive Plan Update notes that:

> The first Comprehensive Plan for DuPont was developed in 1985, 34 years after the community's second incorporation as a city. The 1985 Plan reflected a change from a city that had been focused solely around industry to one planned for residential and business growth. It created areas for residential development in the southern portion of the city, mixed use in the middle, including the consent decree area and left industrial development for an area north of Sequalitchew Creek. The focal point for the community was Old Fort Lake, where a series of trails led to two schools sites, a community park and the lake. The impetus for the 1985 Plan was a proposal by Weyerhaeuser Company to locate a log export facility in the industrial area [City of DuPont 2008a:3].

It wasn't that Weyerhaeuser's log export facility proposal was the "impetus for the 1985 Plan." Weyerhaeuser *paid for* the 1985 Plan. "The Comprehensive Plan […] was paid for by Weyerhaeuser ($75,000) and was jointly developed by Weyerhaeuser, the Department of Ecology, and DuPont" (Veninga 2004:471). To this must be added this statement from a 9th Circuit Court of Appeals ruling in *West v. Secretary of the Department of Transportation* (No. 97-36118 (2000)) states that:

> In 1985, the city of DuPont identified the need for a new highway interchange in its Comprehensive Plan, in part to accommodate the traffic demands generated by existing growth and sizeable growth forecast for the area. Intel, a large computer chip maker planned to open a DuPont campus, and Weyerhaeuser proposed to build a 3,200-acre master planned unit development called Northwest Landing consisting of residential, commercial, and light industrial uses.

As surreal as it sounds:

> Weyerhaeuser had spent years working with consulting engineers, port design teams, federal and state agencies, the DuPont City Council, Pierce County, ecology groups, and other interested or affected parties. In addition, it had paid $12 million for the land. These expenses notwithstanding, it had not received the necessary permits to build an export facility. The firm had been named in three lawsuits with the possibility of more to be filed. At the same time that the construction of the export facility was bogged down, Pacific Rim markets for forest exports were undergoing changes that negatively impacted the economic feasibility of the port that

> Weyerhaeuser had envisioned.[108] Weyerhaeuser finally set aside its plans for an export facility and placed responsibility for the property with its wholly owned subsidiary, Weyerhaeuser Real Estate Company (WRECO). One of the largest real estate development and building companies in the nation, WRECO determined that the best use for its new holdings was as a planned-unit development or community, ultimately named Northwest Landing [Creighton 2004:116-117].

Despite the fact that plans for the log export facility were abandoned, this history provides a magnifying glass through which to view the subsequent destruction of portions of the ancestral village landscape of sčəgʷalicu/Sequalitchew. Recall Justice Dore's words in his 1981 dissent in relation to "potential abuse in the future" (*Nisqually Delta Association v. City of DuPont* 95 Wn.2d 573 (1981)). In plain view in this recounting are the lengths to which Weyerhaeuser was willing to go in order to satisfy its greed, and the willingness of state and local agencies and courts to turn a blind eye. While reading the rest of this dissertation, bear in mind that, "The combined forces of Weyerhaeuser, state and local governmental agencies, the local utility corporation, and the Pierce County-Tacoma Development Board—the growth coalition—they all worked together to land Intel and build the required infrastructure," once again illuminating the collusion of governmental and corporate entities that is a hallmark of contemporary Settler colonialism (Veninga 2004:475). As will be amply demonstrated, the federal and state agencies and corporations who "worked together" on the "fast-tracking" of multiple ecologically, culturally, and spiritually devastating "development" projects within the ancestral village landscape of sčəgʷaliču/Sequalitchew, is not limited to this short list, nor have they solely worked on luring Intel into making a nest here.

[108] Perhaps the "economic feasibility" of the project also had something to do with the fact that Weyerhaeuser and 30 other companies "filed notices with the U.S. Forest Service that they would cut back on exports by February 20, 1990 […] Behind this decision is public policy which states that companies which export logs from a geographic area (technically called a "working circle") may not bid on Forest Service timber sales in the same region" (Jensen, Draffan, and Osborn 1994:76). In order to capitalize on the devastation of National Forest lands in Washington State, Weyerhaeuser needed to get out of the log export business.

In light of the fact that environmental assessments regarding the Northwest Landing development were undertaken as part of the City's *1995* (not 1985) Comprehensive Master Plan according to the 9th Circuit in *West v. Secretary of the Department of Transportation* (No. 97-36118 (2000)), there is little insight into the environmental impacts being generated by the construction of this massive New Urbanist mixed-use community during its earliest years of construction, which in fact began at least as early as 1987, eight years prior to any environmental review (Creighton 2004; Shinbo 1997). Veninga describes New Urbanism as an architectural planning ideology which is "both an ideological and material response to a number of broad-based economic, political, and social changes that mark late capitalist urban development" (2004:459-460). New Urbanist architects "herald sprawl's antithesis, the 'American small town,' as the ideal urban form and deploy it as shorthand for a sense of social cohesion and economic stability" (Veninga 2004:461). Veninga's description of New Urbanist "place making" speaks volumes:

> New Urban spaces respond to recent changes in the processes of urban development within the context of late capitalism that involve, among other things, a shift in the focus of urban governance from the provision of social welfare to fiscal welfare, a change in the way that real estate projects are financed, and a shift in the economic base from manufacturing to high technology and service sector activities. Some have argued that another element of the post-industrial context is a physical and psychological sense of deterritorialization and displacement brought about by an increased mobility of both capital and people, manifest as regimes of flexible accumulation and a sense of placelessness and loss [2004:464].

There is a bitter irony in the fact that the massive New Urbanist development project to be undertaken within the ancestral village landscape of sčəgʷaliču/Sequalitchew, once home to countless generations of sqʷaliʔabs/Nisqually peoples and, for a brief time, the DuPont Powder Works was guided by an aesthetic seeking to assuage a Settler sense of placelessness and loss due to an increased mobility of capital and people seeking refuge in a post-industrial

context.

There is more irony to be found in Weyerhaeuser's delay in compliance with SEPA in undertaking an EIS pertaining to the Northwest Landing project, considering the New Urbanist ideal of "environmental sustainability." This delay may have to do with the fact that, "In 1985, Weyerhaeuser began studies to determine whether chemical contamination was present on the site" (URS Company 2000a:1-2). It seems that when the DuPont Powder Works ceased operations, "unwanted buildings were filled with fuel and ignited. In some cases lead, which was used to line the floors of some buildings due to its non-sparking property, infiltrated the soil when the buildings were burned" (Washington State Department of Health [WDH], Office of Toxic Substances [OTS]. Hazardous Waste Section [HWS] 1991:2). In addition to exposure to lead contamination and contamination through the decades of applications of arsenic-laden herbicides along railroad grades by the DuPont Company:

> If the DuPont-Weyerhaeuser property is developed as planned, future residents and workers could be exposed to hazardous levels of lead, dinitrotoluene, trinitrotoluene, and carcinogenic polynuclear aromatic hydrocarbons through ingestion or inhalation of contaminated soil and/or water […] Given the highly toxic nature of many of the contaminants found on the site, a greater effort should be made to ensure that all contaminated areas have been identified before the possibility of putting 14,000 people in the property is considered [WDH, OTS, HWS 1991:2-3].

Apparently such formalities were not necessary for Weyerhaeuser, whose plans had already been approved by the City of DuPont in its 1985 SMP according to the decision in *West v. Secretary of the Department of Transportation* (No. 97-36118 (2000)). Creighton states that, "Weyerhaeuser, in clearing brush on the property discovered a number of barrels of hazardous materials that had been dumped by DuPont into glacial kettles" (2004:137). This may very well be true, but with Weyerhaeuser's documented knowledge of the extreme

likelihood of encountering artifacts around "areas of high probability," and the absolute dearth of documentation of remediation activities during the first five-plus years of clean-up efforts, it is also possible that the "clean-up" of glacial kettles involved in no small part the destruction and looting of sqʷaliʔabs/Nisqually cultural patrimony and, potentially, the desecration of sqʷaliʔabs/Nisqually ancestral human remains.

It is also in 1985 that we begin to see the first rapid transfer of property back and forth between Weyerhaeuser and its real estate subsidiary WRECO, and the Lone Star Sand and Gravel Company and its subsidiaries and successors in interest. On August 29, 1985 Lone Star Industries exchanged lands with Weyerhaeuser which the former had acquired when it was called the Pioneer Sand and Gravel Company. Lone Star gave Weyerhaeuser lands within Government Lot 1 of Township 19 North, Range 1 East of W.M., Section 22 with the exception of the North 600 feet, portions owned by the Northern Pacific Railroad Company, and a small sliver of the westernmost edge, subject to the right of Northern Pacific to construct slopes and to a perpetual easement across the land for military use (Statutory Warranty Deed Pierce County Auditor's Office Record Number 8510100300). In exchange, on September 6, 1985, Weyerhaeuser gave Lone Star lands within Township 19 North, Range 1 East of W.M., including the SE Quarter of the SW Quarter of Section 14, subject to a perpetual easement for military use, and the North 600 feet of the NE Quarter of the NW Quarter of Section 23.

On December 24, 1985, Lone Star Industries sold lands to Pioneer Northwest Aggregates, Co., which appears to be a partnership between Lone Star and Riedel International, Inc. For ten dollars, Pioneer Northwest Aggregates received title to lands within Township 19 North, Range 1 East W.M.: Section 14 Government Lots 3 and 4

inclusive of second class tidelands; Fractional Section 15 Government Lot 1 inclusive of tidelands; Fractional Section 22, the North 600 feet of Government Lot 1 (which Lone Star had just secured from Weyerhaeuser) ; the NW Quarter of the NW Quarter of Section 23; the North 600 feet of the NE Quarter of the NW Quarter of Section 23; the SE Quarter of the SW Quarter of Section 14; the SW Quarter of the NW Quarter of Section 13; and a non-exclusive easement across certain lands, all property exclusive of lands owned by the Northern Pacific Railway Company (Statutory Warranty Deed Pierce County Auditor's Office Record Number 8512270274). In one interesting provision of this deed, Exhibit B Exception 1, it is stipulated that these lands are subject to reservations and statutory exceptions of the State of Washington to subsurface resources including "all oils, gases, coal, ores, minerals, fossils, etc.," as well as the State's rights to enter upon the property and mine it. I will return to a discussion of this stipulation below. On December 26, 1986, the description of lands sold within the NW Quarter of the NW Quarter of Section 23 was amended to refer to solely the North 600 feet of this partial section (Statutory Warranty Deed (Correction Deed) Pierce County Auditor's Office Recording Number 8701270136).

On April 30, 1986, an extremely important, and cloudy, land transaction takes place. The quit claim deed pertaining to this transaction states that::

> LONE STAR INDUSTRIES, INC., A Delaware Corporation, successor in interest to Seattle Sand and Gravel Company, and RIEDEL INTERNATIONAL INC., an Oregon Corporation, and NORTHWEST AGGREGATES COMPANY (a joint venture of Lone Star Industries, Inc. and Riedel International, Inc.), GRANTORS, for and in consideration of ONE DOLLAR ($1.00) and other valuable consideration, convey and quitclaim to WEYERHAEUSER COMPANY, a Washington corporation, GRANTEE, any right, title or interest in and to the following described real estate, situated in the County of Pierce, State of Washington:
>
> In Township 19 North, Range 1 East of W.M.:
>
> The L.F. Thompson Donation Land Claim

> Section 22: Lots 4, 5 and 6
> Section 27: Lots 1 and 2
> Section 28: Lots 3, 4 and 5
>
> which Grantors may have by reason of that certain covenant set forth in a Deed, dated June 2, 1906, executed by Seattle Sand and Gravel Company, a corporation, to Daniel Cauffiel and duly recorded on June 2, 1906 in the Records of Pierce County, Washington under Auditor's Fee No. 214883 [Quitclaim Deed Pierce County Auditor's Office Recording Number 8605220219].

It is vital to carefully unpack this document as it provides a great deal of insight into subsequent developments. Lone Star is the successor in interest to Seattle Sand and Gravel which, if you will recall from Chapter 3 had sold lands to Daniel Cauffiel, who had purchased them on behalf of the DuPont Company. Judging from this 1986 quitclaim deed, if Seattle Sand and Gravel was able to sell these lands to Weyerhaeuser in 1986, it must have reserved to itself portions of the lands conveyed to Cauffiel in 1906, but I am not certain as I have not yet been able to obtain the 1906 deed referenced above. One portion of these lands, the L.F. Thompson Donation Land Claim [DLC], is depicted as a rectangular section numbered 39 on many maps. Thompson's claim had been staked out prior to cadastralization by the General Land Office and, therefore, overlaps cadastral Sections 22 and 23. The L.F. Thompson DLC will become a critical piece of the puzzle in later decades, as it contains numerous sites of great significance near the mouth of sčəgʷaliču/Sequalitchew Creek. The lands described in this quitclaim deed from 1986 are part of the lands which Creighton asserts Weyerhaeuser had already owned for eight years, and in relation to which she claims Weyerhaeuser filed for a mining permit in 1978, as discussed earlier in this chapter.

In the midst of these land transactions, Weyerhaeuser continued to plan for the construction of Northwest Landing:

> Because of significant modifications in the proposed use of the property—from industrial to residential, retail, and office—the original plans, studies, and approvals,

> including the EIS, had become irrelevant. In effect, Weyerhaeuser had to go back to ground zero and start all over again. In cooperation with the city of DuPont, WRECO produced a land-use plan, designating approximately half of the property as residential zoned. A cultural resource management program agreement was necessary before construction could begin on the first roads and utilities [Creighton 2004:117].

The environmental impact studies pertaining to Weyerhaeuser's plans, however, were not undertaken until the City's drafting of its 1995 Comprehensive Master Plan [CMP]. In addition, the cultural resources agreement with the Nisqually Tribe, said to be necessary prior to the commencement of construction, would not be signed until the end of 1989, well after construction activities were commenced. In the meantime, "Weyerhaeuser donated approximately fifty-six acres of property for a park buffer around the town in September 1986. Within two years it added eleven more acres to DuPont, creating additional open land. These buffers were part of the negotiations with the city designed to win its approval of the new EIS" (Creighton 2004:117). Creighton's statement is difficult to comprehend because the City of DuPont was the lead agency on the EIS, and would not have to approve a document that it had drafted itself. Perhaps Weyerhaeuser's "donation" was given in an attempt to ensure the issuance of a *favorable* EIS by the City.

Regardless for the reasons for its donation of a buffer around the town, Weyerhaeuser should have been more concerned about placing buffers around the known and suspected gravesites of sqʷaliʔabs/Nisqually ancestors. Creighton reveals that, "In 1987, human bones were encountered while digging a trench for the removal of asbestos from buried pipes under a building foundation. The remains of two individuals were placed in a wooden box and reburied in the same trench. Two wooden posts were placed in the ground to mark the spot. The bones were in an area on the north side of a glacial kettle" (Creighton 2004:120). In comparison to Creighton's somewhat sanitized version of the story of the desecration of the

site designated 45-PI-404 Nisqually Burials, we have this version from Daugherty and Wessen (1989):

> Two individuals, a male and a female, had been disturbed inadvertently as a result of the removal, of asbestos wrapping on buried steam pipes by means of a backhoe […] The skeletal remains of two Native Americans were unearthed inadvertently during the operation and archaeologists. Robert Weaver and Tim Latas together with geologist Dan Smith associated with Hart Crowser, Inc. recovered the remains from the sediments disturbed by the backhoe. The lower half of one individual was exposed in the west wall of the trench and the remains were left in-situ. The skeletal material recovered by screening was placed in one cedar box, separated by cardboard and reburied in the trench. Two four foot 2 x 4s were placed on the west side and at the upper end of the box to mark the location within the backfilled trench [Daugherty and Wessen 1989:i, 1].

For many Indigenous peoples, the desecration of ancestral human remains is experienced as one of the most traumatic violences of contemporary Settler colonial elimination. That these ground disturbing activities were even taking place without an EIS having been done, and without an agreement with the Tribe, is a crime for which Weyerhaeuser should be held accountable. The desecration of sqʷaliʔabs/Nisqually gravesites is an act of Settler colonial structural genocide which Weyerhaeuser and its subcontractors have repeated countless times since this first recorded instance.

It is precisely these kinds of genocidal acts which, on January 7, 1988, compelled the Colville Confederated Tribes Archaeological and Historic Resource Preservation Board to "petition Governor Booth Gardner and members of the legislature to request that the Indian Graves and Records Act (RCW 27.44.010) be amended to provide the same protection to Indian graves as accorded non-Indian graves" (Creighton 2004:37). At this time, "Indian burials remained classified as archaeological resources under state law" (Creighton 2004:37), rather than being recognized and respected as the final resting places of *human beings* with whom descendant communities maintain a diverse range of living relationships. The Colville

Confederated Tribes "requested that violators be imprisoned in the state penitentiary for not more than three years, or fined not more than $1,000, or both" (Creighton 2004:37). Their request went unheeded for some time. On March 18, 1988, finding the assertion of state hegemony to be vastly more important than the human rights and responsibilities of ʔaciɬtalbix$^{w}$/First Peoples to their ancestors, provisions were added to RCW 27.53 which "specified that all treasures, artifacts, and objects having historical value that had been abandoned for other thirty years on submerged state land belonged to the state" rather than to descendant Indigenous peoples, lineages or Nations, or to the "finder" (Creighton 2004:35-36).

In contrast to her account of the *1987* discovery of human remains *during construction activities*, discussed above, Creighton at this time asserts that, without an agreement with the Nisqually Tribe in place, nor any comprehensive survey of cultural resources or environmental compliance processes having been completed, "In *1988*, Weyerhaeuser *began the construction* of roads and utilities in preparation for the development of [the] planned community known today as Northwest Landing" (Creighton 2004:4; emphasis added). Creighton further asserts that:

> In 1988, Weyerhaeuser prepared for the construction of Center Drive, the main entrance street to Northwest Landing, and it signed a contract with Hart Crowser, an engineering firm employed by the city of DuPont. The company provided direct visual inspection and subsurface testing of the construction right-of-way and landscaped areas, instructed the construction crew as to possible archaeological or historic remains, and outlined procedures for reporting such finds. The first step in creating the road was logging and clearing brush and stumps, then surveying and staking the right-of-way. The next step was the removal of dark colored soil and gravels above the Steilacoom gravels. It was during this process that an alert construction worker discovered the first indication of a grave. Ensuing work at that locality uncovered an additional twenty-seven graves, all located with negligible disturbance of the human remains [Creighton 2004:131-132].

At the end of this last sentence is a footnote which references "Daugherty, 'Work plan for the Investigation of DuPont Site 45-PI-404, Parcel 2 Including Removal and Reinterment Should Remains be Found'" (Creighton 2004:132). The problem is that the site where twenty-eight sqʷaliʔabs/Nisqually ancestors were disinterred and desecrated is not 45-PI-404, but 45-PI-413. And the site record for 45-PI-413, recorded by Dr. Richard Daugherty, is dated August 22, 1991 (Daugherty 1991). Either Daugherty failed to record the burials when they were uncovered, which is extremely unlikely, or Creighton is once again mistaken. Meetings with the Nisqually Tribe about these twenty-eight burials took place in August of 1991 according to Creighton's statements in subsequent chapters. Again, either there was a three year delay before the Tribe was informed of the discovery, or Creighton is mistaken in her statements that the remains of these twenty-eight ancestors were desecrated in 1988. I will return to a discussion of the fate of these old ones in the next chapter, but I must make one more point. If, as Creighton asserts, these twenty-eight burials were desecrated in 1988, that would place the crime as having taken place prior to the enactment of amendments to RCW 27.44 in 1989, discussed below, regarding the protection of ʔaciɬtalbixʷ/First Peoples' gravesites. I urge you to keep this in mind as the rest of the story, and Creighton's version of the story, unfolds.

"Background research was commenced for a newly revised cultural resource management plan and a new EIS. All 3,200 acres of the Northwest Landing property would be resurveyed and retested for archaeological and historic sites by trained archaeologists" (Creighton 2004:117-118). Weyerhaeuser contracted with Western Heritage, Inc., owned by Richard Daugherty, professor emeritus at Washington State University, and Jeanne Welch, former deputy SHPO, and on July 15, 1988, the firm began a cultural resource management

study on behalf of Weyerhaeuser. The purpose of the study was:

> to gather all available information about the known archaeological/historic sites within the property boundaries, (2) to test and evaluate those sites as to their present condition and significance, (3) to ensure the protection of any unidentified cultural resources by means of a testing and monitoring program integrated with all proposed development plans, and (4) to make recommendations for the conservation and/or mitigation of all cultural resources that meet the Criteria of Evaluation for listing in the National Register of Historic Places [Welch 1989a:1].

The results of this study were not released until the following April, and I will discuss them below. It is important to note, however, that this study was undertaken in part in order to identify those sites deemed eligible for listing on the NHRP through the Section 106 process under NHPA.

Ignoring the inevitability of encountering, and subsequent likelihood of destroying, historically, culturally, and spiritually sqʷaliʔabs/Nisqually places within the ancestral village landscape of sčəgʷaliču/Sequalitchew, Weyerhaeuser entered into a Memorandum of Lease [MOL] with (now) Lone Star Northwest, on September 23, 1988, regarding the mining of sand and gravel from lands including a portion of those lands which Weyerhaeuser had purchased from Lone Star on April 30, 1986 (not in 1977 as Creighton claims (Creighton 2004:103-104)). The MOL as it has been entered into the Pierce County Auditor's online Records Database appears to be missing at least one page, as the bottom of the page titled "Legal Description of Exploration Area" is numbered "Page 1 of 2," and the subsequent and final page is identical to this first page. The available page of the MOL contains a description of at least part of the "Exploration Area," subject to Burlington Northern's claims within each section: the L.F. Thompson Donation Land Claim east of "Northeast of a line 200 feet Northeasterly (measured horizontally) of the Northeasterly bank of Sequalitchew Creek;" Section 22, Government Lot 1 except for the North 600 feet, Government Lots 2 and 3, and

the SE Quarter of the NE Quarter of Government Lot 7; numerous portions of Section 23, including Government Lots 1, 2, 3, and 4; and portions of Section 26 (Memorandum of Lease Pierce County Auditor Recording Number 8809260097).

Within this area, Lone Star Northwest, as Lessee, was granted rights by Weyerhaeuser to "mine sand and gravel; stockpile sand, gravel, topsoil and overburden; load and transport sand and gravel; and other rights incidental to mining and shipment of sand and gravel, reclamation of the site, and removal of its improvements" (Memorandum of Lease Pierce County Auditor Recording Number 8809260097). Lone Star was also granted "a first opportunity to enter into any sand and gravel lease in those portions of the Exploration Area excluded from the Leased Area, except under certain circumstances described in the Lease" (Memorandum of Lease Pierce County Auditor Recording Number 8809260097). The Exploration Area described in this lease is distinguished from the Leased Area, which is itself described in a different lease which I have as yet been unable to locate in the Pierce County Auditor's Records online database. The circumstances under which Lone Star might be refused a first opportunity are not revealed in the lease pertaining to the Exploration Area. The term of the lease is set to expire on December 31, 2013 "subject to extension until all economically recoverable sand and gravel has been mined from the Leased Area, and subject to earlier termination as to part or all of the Leased Area in certain circumstances" (Memorandum of Lease Pierce County Auditor Recording Number 8809260097). Further, "Weyerhaeuser Company consents to the recording of this Memorandum to give public notice that the lands described above are affected by the Lease" (Memorandum of Lease Pierce County Auditor Recording Number 8809260097). According to Creighton, as discussed above, Weyerhaeuser had applied for a permit to mine these lands with Lone Star

as Lessee in 1978, despite the fact that it did not own them, and despite the fact that public notice regarding the lease was not provided until September of 1988. Either Weyerhaeuser delayed the notice by ten years, or Creighton is once again in error.

The following month, on October 20, 1988, the Nisqually Tribe entered into a *Memorandum of Agreement Providing for the Establishment of a Cemetery for Reburial of Native American Remains* (MOA 1988). "Weyerhaeuser's responsibility under the MOU agreement included immediately notifying the Nisqually Tribe and the Washington State Historic Preservation Officer, in accordance with state law, of the presence of any Native American remains unearthed during maintenance, developmental, or other activities carried out" (Creighton 2004:121). This agreement, however, is an MOA not an MOU. Note that an MOU can be legally distinguishable from an MOA as being less binding. The MOA itself states that the Tribe would be responsible for the consecration of the ground, the satisfaction of certain ceremonial responsibilities, and providing information regarding the disposition of associated cultural remains, while Weyerhaeuser was made responsible for providing the land "at a secure location" on the property (now known as the "Sequalitchew Indian Cemetery," dedicated on December 21, 1988), and reimbursing the Tribe for expenses incurred in meeting their responsibilities under the MOA. While the MOA specifies that the Tribe is responsible for consecration of the ground and for "perform[ing] those traditional services, as the TRIBE sees fit, through a duly authorized representative of the TRIBE, *prior to removal or reburial of any remains*" [emphasis in italics added], there are no provisions mandating that Weyerhaeuser allow the Tribe to be present during excavation, or even during reburial. Additionally, the MOA provisions state that:

> WEYERHAEUSER will provide for the remains to be excavated in a professional manner consistent with standard archaeological techniques. WEYERHAEUSER will

> treat the remains with the respect, care, and concern due human remains and will furnish cedar boxes of a size and manner suitable to contain and protect the remains. Copies of all scientific data related to the remains will be given to the TRIBE [MOA 1988].

Unaware, or uncaring, about the fact that the mandatory scientific study and archaeological excavation are not widely considered to be respectful, careful, and concerned methods of interacting with anyone's dead, Weyerhaeuser provided no mechanisms through which the Tribe could prevent the destructive testing of human remains, nor to insist that the remains be left in situ, where they had been buried by caring and loving relatives.

This differential treatment of the remains of Indigenous ancestors is an historically traumatic assault:

> A key facet of historically traumatic assaults is that they are perpetrated with intention upon a group of people, their environment, and their sacred artifacts or burial sites for the purpose of cultural destruction, ethnocide, or genocide. Individually, each of these events is profoundly traumatic; taken together, they constitute a history of sustained cultural and ethnic disruption and destruction directed at IP [Indigenous Peoples]. The resulting trauma is often conceptualized as collective in that it impacts a significant portion of a community, and compounding, as multiple historically traumatic events occurring over generations join in an overarching legacy of assaults. For IP, cumulative historical trauma events are coupled with high rates of contemporary acute lifetime trauma and interpersonal violence, as well as high rates of chronic stressors such as dealing with an ongoing barrage of microaggressions and daily discriminatory events. Together, these historical and contemporary events undermine indigenous identity, health, and well-being [Walters, Beltran, Evans-Campbell and Huh 2011:175].

While I absolutely agree with the characterization of both desecration as an historically traumatic assault, I think that it is vital to remember that, as noted in the Introduction to this work, that focusing solely on intentional acts can often blind us to the equally devastating effects of Settler colonial structural genocide, rendered as "unintended collateral damage," or the "adverse impacts" and "externalities" of "development."

While Weyerhaeuser seemingly had, and has, no conception of Indigenous human

rights and responsibilities, the Legislature of the State of Washington was finally beginning to respond to the repeated requests of the Colville Confederated Tribes, and many other Tribal Nations, for the State to declare the desecration of Indigenous gravesites to be a felony. In January of 1989, a number of legislators introduced S.B. 5807 which:

> proposed making Indian grave looting a felony. The bill stated, moreover, that any person who knowingly removed, damaged, or destroyed any Indian burial, cairn, or other historic grave could be charged with a class C felony. Those who sold or illegally possess items from Indian graves could be charged with a class C felony, and anyone who inadvertently disturbed a gravesite was required to re-inter the remains under tribal supervision. The bill also proposed authorizing tribes to bring civil actions against those who disturbed graves and other Indian sites [Creighton 2004:37-38].

During hearings on the legislation, a number of Tribal representatives testified as to the need for stiffer penalties, such as making the crime a class A felony punishable by up to twenty years in prison. Members of the Yakama Nation argued that if the crime were to be a class C felony, then the desecration of "the sacred resting places of their ancestors were regarded as less serious than the burglary of someone's warehouse or the theft of someone's television set'" (Testimony cited in Creighton 2004:40). Legislative debate regarding the proposed bill continued for several months, and the amendments to RCW 27.44 were signed into law by the Governor after passing both chambers on April 4, 1989, but they were not ratified by the legislature until July 23 (Creighton 2004). This legislation was significantly amended in 2007, as will be discussed in the next chapter. In Washington State, however, the desecration of Indigenous ancestral gravesites today remains a lesser crime than stealing a television, further proof of the dehumanized status of Indigenous peoples under Settler colonialism.

As this legislation was being enacted, Jeanne Welch of Western Heritage published the first version of *A Cultural Overview and Comprehensive Management Plan for the*

*DuPont Property, Pierce County, Washington* in April of 1989 (Welch 1989a). A subsequent version published in October of that year contains marginal edits (Welch 1989b). Welch notes in the Executive Summary that investigations of the twenty-six sites identified by Blukis Onat et al. (1977) were still being conducted, and that, "Additional testing together with monitoring is also being carried out to ensure the protection of unknown cultural resources in relation to maintenance activities and proposed development plans" (Welch 1989c:2). A detailed description of the treatment of human remains is provided, at the end of which Welch states that:

> All exposed burials will be sketched, photographed, and recorded. After the burial is exposed, recorded and photographed it will be removed, and placed in wooden boxes with packing of sterile sand to prevent collapse of the grave after reburial. All grave goods will be placed within the individual boxes with the specific remains unless otherwise directed by the Nisqually Tribal Council [Welch 1989c:10].

In clear contrast to the Cemetery MOA negotiated by Weyerhaeuser, the provisions for the study of human remains were specifically limited to sketching, recording, and photographing in this Plan developed by Western Heritage in collaboration with the Tribe.

In the Site Analysis section, Welch lists the eight sqʷaliʔabs/Nisqually sites recorded by Blukis Onat, et al. (1977), providing recommendations for further testing and mitigation for most, but not all, sites:

- 45-PI-75, the Crystallizer Site from which countless belongings of sqʷaliʔabs/Nisqually ancestors had been stolen by DuPont Company employees and others, had been destroyed during construction of the DuPont Plant and that no further investigation of the site was warranted;
- 2) 45-PI-74 1843 Indian Camp was tested in September of 1988, and Welch recommended further testing to determine the significance and integrity of the site so

that it could be avoided or mitigated during construction;

- 3) 45-PI-73 Indian House or Hall Site was not located through surface inspection and Welch recommended further investigation;
- 4) 45-PI-76 Sequalitchew Grave Site was said by Welch to have likely been destroyed during the construction of both the narrow gauge tracks run by the DuPont Company as well as the standard gauge tracks laid by Burlington Northern. She recommends that the site be extensively tested prior to any ground disturbance in the area and that all construction and excavation activities near the site should be closely monitored;
- 5) 45-PI-77 Old Fort Lake Grave Site was not located during this survey but ongoing logging activities were being monitored;
- 6) 45-PI-78 1843 Fort Nisqually/Huggins Ranch Grave Site was also not located during this survey, but Welch recommends further testing;
- 7) 45-PI-72 DuPont Southwest Site was radiocarbon dated during this survey, indicating an age in excess of 5,200 years, making it the oldest known midden in Puget Sound. Noting that the site is eligible for listing on the NHRP, Welch recommends that the site be set aside and protected is possible, or that data recovery be undertaken before destruction;
- 8) 45-PI-54 Sequalitchew Archaeological Site, for which, because of its location outside of the boundaries of the Weyerhaeuser-owned tract, Welch had no recommendations (Welch 1989c).

In addition to these sites, Welch's report contains references to 45-PI-404 Nisqually Burials, the resting places of husband and wife which had been desecrated by Hart Crowser

employees in 1987. In the analysis of this site, Welch refers to the 1988 Cemetery MOA, and notes that these "skeletal remains should be excavated and scientifically documented to contribute to the cultural heritage of the Nisqually Tribe" (Welch 1989c:20-21). I am not sure which part of sqʷaliʔabs/Nisqually cultural heritage Welch believes is supposed to involve desecration and "scientific" destruction of ancestors. There is no mention of the twenty-eight burials at 45-PI-413 which, had they actually been discovered in 1988 as Creighton asserts, should have been included in this report.

In regard to the husband and wife who had been violated at 45-PI-404, Creighton carelessly asserts that on both May 9 and May 19, 1989, the same reburial ceremony was held for these two ancestors. These dear old people had once again been ripped from the ground, this time "scientifically":

> In the spring of 1989. Western Heritage, a cultural resource consulting firm employed by the Weyerhaeuser Company, applied for an excavation permit from the Office of Archaeology and Historic Preservation. With the consent of the Nisqually Tribe, archaeologists Dr. Richard D. Daugherty and Dr. Gary C. Wessen reopened the trench, removed the cedar box containing the skeletal remains and excavated the rest of the individual buried in the west wall of the trench [Daugherty and Wessen 1989:1].

Daugherty and Wessen assert that, "The remains, at the request of the Nisqually Indian Tribe, were studied and recorded using Washington State University standard Burial Forms" before being reinterred in the Sequalitchew Indian Cemetery (Daugherty and Wessen 1989:i). salətˀuṗkʷ Leonard Squally has doubts as to the circumstances surrounding the Tribe's purported request for the scientific study of these disturbed and desecrated ancestors. He maintains that acquiescence is more accurate. salətˀuṗkʷ is rather certain that the Tribe did not request the use of WSU burial forms, because there is no logical reason why they would have requested this. These two ancestors were once again violently removed from what was

supposed to be their final resting place, and reinterred in a reburial ceremony in May of 1989.

Creighton, who was in attendance at this sacred reinterment of these ancestors, states that, "Because the Nisqually Tribe had no tribal shaman of its own, a prominent Puyallup tribal shaman was invited to preside over the two-day ceremony" (Creighton 2004:128). Creighton is correct in stating that the Tribe has no "shaman," although Weyerhaeuser continues to insist that they work regularly with such a person, as will be discussed in later chapters. The "Puyallup tribal shaman" was not Puyallup, but an Upper Skagit man who worked for the Puyallup Tribe at the time. Creighton provides a richly detailed racist and colonialist accounting of every last detail of the private ceremony, from the fire, to the pinning of money on witnesses "to protect them from evil spirits," to the "long incantations" of Elders in the native tongue, the "extraordinary buffet of native cuisine," and the "completely unexpected finale" of an eagle circling the fire closely (Creighton 2004:128-129).

Just why exactly did Janet Creighton attend this ceremony? She is not a Nisqually Tribal member. Nor was she employed by Weyerhaeuser, the City of DuPont, or SHPO. Janet Creighton happens to be the wife of John W. [Jack] Creighton who, at the time of this reburial ceremony, had just been named the President of the Weyerhaeuser Corporation and had, in fact, been the Weyerhaeuser official who had dedicated the cemetery. Janet Creighton never once reveals that she is John Creighton's wife within her dissertation. Janet Creighton also never reveals that she herself undertook the analysis of artifacts under contract to her husband's corporation, as discussed in the next chapter. On Creighton's history Ph.D. supervisory committee was Dr. Richard Daugherty, archaeologist and WSU professor emeritus, who conducted a great deal of the cultural resource compliance work within the

ancestral village landscape of sčəgʷaliču/Sequalitchew on behalf of the Weyerhaeuser Corporation. The mistakes that Janet Creighton makes in her dissertation, approved by Richard Daugherty who knows the timeline of events on the property better than just about anyone, suddenly seem to be more than just careless errors. It appears possible that Dr. Janet Creighton got her Ph.D. in History in order to obfuscate the reality of the acts of Settler colonial structural genocide and ecocide committed by her husband and his multinational corporation and its subcontractors, along with federal, state and local agencies, within the ancestral village landscape of sčəgʷaliču/Sequalicthew.

Additionally, the fact that Creighton thinks that she has the inherent right as an "historian" to provide an extremely detailed (and racist) account of this healing ceremony undertaken in response to a tragic act of genocide is enraging. The rage that I experienced when reading her account were outstripped only by my reaction to the information she provides two pages later regarding the clues that archaeologists look for in the soil in order to locate the graves of Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples. As I similarly ask regarding her publication of information pertaining to the extreme likelihood of finding artifacts around "areas of high probability," why an historic preservation professional, purportedly interested in the protection of historically significant places, and who enters into contracts with corporations and agencies in order to help preserve and protect these places, would reveal information which amounts to an "ancestral skeletal remains and associated grave goods treasure map," is completely beyond my understanding. Placing such a detailed description within a publicly available document certainly has the potential to contribute to the desecration and destruction of gravesites and sites of cultural significance, typically viewed as a crime by a preservationist. Such destruction by looters would, however, make

the time-consuming and expensive tasks of cultural resource protection compliance far less onerous for all involved. Less onerous for all involved, that is, except descendant communities.

**Chapter 7: Growth Machines, Settler Anxieties, and the Making of Northwest Landing**

As the 1980's were coming to a close, Weyerhaeuser and WRECO's plans for Northwest Landing began to solidify. The New Urbanist ideology undergirding the project's design maintains that "not only has suburban sprawl produced social polarization and drained economic resources from central cities, it has also resulted in a banal landscape that creates a distressing sense of placelessness" (Veninga 2004:461). The purported "normative goals" of the New Urbanist ideology are described as "community, democracy, and environmental sustainability," presented as the antithesis of the typical urban "sense of placelessness, the absence of community, the elimination of public spaces, racial and economic injustice, and environmental profligacy" (Veninga 2004:463). Weyerhaeuser/WRECO's approach to the achievement of these goals in relation to the ancestral sqʷaliʔabs/Nisqually village landscape of sčəgʷaliču/Sequalitchew will soon become apparent.

Northwest Landing's residential and commercial properties are regulated through the use of restrictive covenants which are favored by lenders and developers "because they help to guarantee the future profitability of the investment" (Veninga 2004:466). Northwest Landing and, by extension, the City of DuPont, had come to be envisioned as a "growth machine" in order "to organize political, economic, and cultural resources in order to lure consumption and investment flows" (Veninga 2004:465). Urban growth machines are typically comprised of organizations and individuals "interested in increasing local economic activity by intensifying land use in order to extract higher rents and increase consumption" (Veninga 2004:465). Strategies for growth integrate boosterism, or "the promotion of place to attract capital" with the use of local governmental powers to attract funding sources and potential employers (Veninga 2004:465).

These partnerships often obscure any purported distinction between the private interests of capital and public goals, as well as serve to "reconstitute the relationship between the local community and the state such that the local community often bears the risk of the private sector's venture via the state's entrepreneurial strategies" (Veninga 2004:465). Urban growth machines are said to best succeed:

> when popular perceptions hold that public needs could not be met without private intervention and that private development could not occur without public assistance, the prevailing belief being that public-private partnerships represent a symbiotic system whereby all parties work to each other's mutual benefit. However, there is little evidence or certainty that the "real" outcomes of public-private partnerships and tax incentives designed to lure investment provide for the general welfare [Veninga 2004:465].

Veninga's analysis of Northwest Landing provides insights into the invasive structures of Settler colonialism as they manifest as corporate strategies of elimination. The Northwest Landing development project "evinces [that] powers once belonging to the state are increasingly turned over to private companies" (Veninga 2004:465). In addition, the leveraging of sqʷaliʔabs/Nisqually "cultural and historic resources" as incentives for investment and consumption will come to be embraced by Northwest Landing because:

> Racism is imbricated with colonialism in a logic of white supremacy, as Andrea Smith argues. In this view, the logic of genocide is one of three pillars of white supremacy: [Indigenous peoples] must *always* be disappearing in order to enable non-indigenous peoples' rightful claim to land. Through this logic of genocide, non-Native peoples then become the rightful inheritors of all that was indigenous – land, resources, indigenous spirituality and culture [Andrea Smith quoted in Gilio-Whitaker 2011:26-27].

The slogan for the City of DuPont development—"Welcoming for 5,000 Years"—indicates both the desire to capitalize on the presence of places of deep cultural significance to sqʷaliʔabs/Nisqually peoples, and the mechanisms by which Settler society continues to exercise the logics of elimination and attempts to create its own "indigeneity."

In 1989, land transfers and attempts to reclassify parts of the shoreline of the ancestral village landscape of sčəg$^{w}$aliču/Sequalitchew begin to obscure the trail of shorelands ownership and the attendant responsibilities of various landowners and restrictions on development. On December 18, 1989, Weyerhaeuser transferred several parcels to its WRECO subsidiary in two separate transactions. In the first, Weyerhaeuser relinquished ownership of the lands which it had purchased from Lone Star Sand and Gravel on April 30, 1986, and which Lone Star then leased back as part of the "exploration area" of its gravel mining lease, including portions of: the L.F. Thompson DLC, and Sections 22, 23, and 26 in Township 19 North Range 1 East W.M. (Statutory Warranty Deed Pierce County Auditor Recording Number 9002020348). That same day, Weyerhaeuser transferred additional lands to WRECO in Sections 23, 24, 25, 26, 35 and 36 within the same Township (Statutory Warranty Deed Pierce County Auditor Recording Number 9002020349).

Provisions within these statutory warranty deeds include Weyerhaeuser's reservation to itself of rights to all subsurface resources, as well as reserving "unto itself, its successors and assigns, forever, twenty-five percent (25%) of the net proceeds realized by Grantee, its successors and assigns, from each sale of sand, gravel, rock and aggregate mined, produced and removed from the land" (Statutory Warranty Deed Pierce County Auditor Recording Number 9002020349). Recall that in addition to the lands being leased by Lone Star from WRECO, Lone Star and Burlington Northern were awaiting the annexation of the lands they owned to the City of DuPont. Six months previous to these December 1989 land transfers, the City had enacted Ordinance No. 387 on June 14, 1989, which established "a classification of Conservancy environment, as set forth in the City of DuPont Shoreline Master Program, for the shoreline environment of the property," including portions of Sections 14, 15, and 22 in Township 19

North Range 1 East W.M. (City of DuPont Ordinance No. 387). It was not yet clear how the City would reconcile the establishment of a shoreline Conservancy environment with gravel mining.

On the day following the enactment of this amendment to the City's SMP, an article was published in the Seattle Post-Intelligencer, titled "Weyerhaeuser Owns 5,260 Years of Indian History":

> The Weyerhaeuser Co. plans to develop a city for the 21st century on a Nisqually Indian site dating back 5,260 years - give or take a few decades. Archaeologists under contract with the forest products company have unearthed a midden - or dumping site[109] - containing discarded clam shells and animal bones believed to be the oldest evidence of prehistoric habitation on lower Puget Sound, says one of the scientists, Jeanne Welch, of Olympia. The site here was discovered in 1977, but specimens were not analyzed until late last year. It is on a bluff 200 feet above the mouth of the Nisqually River on 3,200 acres of land where the Weyerhaeuser Real Estate Co. is planning its Northwest Landing development, a campus-style city eventually housing 14,000 people. […] Not all feel Weyerhaeuser will do enough to recognize the sites and ensure their safety [Foster 1989:n.p.].

The reporter spoke with a number of people who expressed the desire to have the midden and other historic sites protected from the impacts of Weyerhaeuser's planned development, and noted that "'U.S. Rep. Norm Dicks' office in Washington, D.C., has received 10 to 12 letters expressing concern over developing the historic area'" (Foster 1989:n.p.). Weyerhaeuser's response to these requests was predictable: "'We don't know enough about these sites yet to say we are going to fence this one off or that one,' says James A. Nyberg, regional manager for Weyerhaeuser Real Estate Co. 'The more information we find out, the better decisions we can make. If they (sites) are considered valuable and important, let's be sensitive to this.'" (Foster 1989:n.p.). salətʼuɬkʷ Leonard Squally is outraged that this June 1989 article also contains explicit details of the reburial ceremony that had taken place the previous month, extensively quoting Nisqually Tribal member Joe Kalama, the assistant tribal fisheries manager at the time.

[109] Middens are not just "dumping sites." Many Indigenous peoples purposely construct middens, and they can be vested with deep cultural and spiritual, as well as historical, significance as will become apparent.

In regard to the ancient shell midden, the oldest known midden in the region, there are a few details which are left out of the 1989 newspaper article as well as, more importantly, being omitted from the April 1989 *Cultural Overview and Comprehensive Management Plan for the DuPont Property, Pierce County, Washington* assembled by Welch and Western Heritage (Welch 1989a; 1989b, 1989c, and from the 1977 survey report crafted by Blukis Onat et al. and Northern Heritage (Blukis Onat et al. 1977). Wessen (1989) notes that when Blukis Onat, et al. "discovered" and desecrated this ancient midden (45-PI-72 DuPont Southwest) in 1977, they did not compile an artifact inventory, or provide an account of the faunal remains collected, or make any effort to date the site. Additionally, Wessen notes that while there were samples of the midden that had been taken by Blukis Onat, et al. in 1977, the "project field notes associated with this effort indicate that the data recovery techniques employed limit the value of this material" (Wessen 1989:9).

Vastly more disturbing than Northern Heritage's carelessness in their methods of observation and recording, while undertaking his own testing and analysis of the site, Wessen had discovered that:

> Review of the unpublished 1977 field notes raises another aspect of 45-PI-72 worthy of comment. While *the prepared account of the testing does not mention it*, field notes from the 1977 testing of this site indicate that the southern test pit *exposed human remains* - teeth and a portion of a mandible (Onat n.d.). Excavations in the pit were apparently terminated with this discovery, and the material was not recovered. Few other details are available. *We know no explanation why this information did not appear in the published account of testing at 45-PI-72, and we were unaware of this discovery until we reviewed the notes.* Beyond this apparent human burial, no other cultural features are known [Wessen 1989:9; emphasis added].

This is one of only two accounts of the known presence of sqʷaliʔabs/Nisqually ancestral remains buried within the shell midden at 45-PI-72. In addition to being omitted from Blukis Onat et al.'s (1977) survey report, the presence of this known burial is also omitted from the site record for

45-PI-72. Nor is it noted in the 1993 National Register nomination form for the site, nor in the 2002 update of the nomination of the site, as will be discussed below and in the next chapter. I have thus far been able to locate only one additional reference to these ancestral human remains within the DAHP Washington Information System for Architectural and Archaeological Records Data [WISAARD] database. The presence of this ancestor, and possibly more ancestors, is discussed within the context of a 1994 research plan noted below, crafted by Gary Wessen—the same archaeologist who authored this 1989 report. The fact that information about this burial has been left out of the National Register Nomination Form and the site form for the midden means that decisions have almost certainly been made and actions have been taken without the presence of this person, and possibly more people, being taken into consideration. As struggles over the testing and further desecration of this shell midden are detailed below, keep in mind the fact that this person and perhaps more people remain buried at this site.

Less than one month after the newspaper article was published, the amendments to RCW 27.44 Indian Graves and Records went into effect:

> The sections added to the existing statutes provided for significant changes because it was now a felony to knowingly remove, mutilate, deface, injure, or destroy any cairn or grave of a Native Indian [sic]—actions previously considered a mere gross misdemeanor. If Indian graves were inadvertently disturbed through activities such as construction, mining, or logging, the human remains had to be re-interred under the supervision of the culturally affiliated tribe. Expenses of re-interment were the responsibility of the Office of Archaeology and Historic Preservation. Any enrolled member of a tribe could now file a civil action against an individual accused of violating the new provisions [Creighton 2004:123].

The known and documented presence of sq$^{w}$ali?abs/Nisqually ancestral human remains within the midden at 45-PI-72 should have at this point come under the protection of RCW 27.44. As subsequent events details, this has not proven to be the case. On August 7, 1989, just subsequent to the enactment of the RCW 27.44 amendments, WRECO entered into a *Memorandum of*

*Agreement Among the Washington State Historic Preservation Officer, the Weyerhaeuser Real Estate Company and the City of DuPont Regarding a Cultural Resources Management Program for Property Within the City of DuPont Pierce County, Washington* (MOA 1989). This 1989 MOA, when dissected, shows that WRECO promised no more than what was already required by law, and by (only part of) the 1988 Cemetery MOA between the Weyerhaeuser Company and the Nisqually Tribe. Recital D of the 1989 MOA states that in order "To protect Native American Cultural Resources that may be found on the property, Weyerhaeuser Company and the Nisqually Tribe have entered into agreements establishing the Sequalitchew Indian Cemetery on the Property, providing for the reinterment of Native American remains in the cemetery, and donated Native American artifacts to the Tribe" (MOA 1989). The Weyerhaeuser Company had indeed entered into two agreements with the Tribe. WRECO being a separate legal entity, however, had not. Additionally, the first agreement between Weyerhaeuser Company and the Tribe from 1983 pertains only cultural resources potentially impacted by the construction of the log export facility—the plans for which had been abandoned and therefore the agreement no longer applied to even the Weyerhaeuser Company.

In the Scope of Agreements within this 1989 MOA, the parties are named in Agreement A as the SHPO, the City of DuPont, and WRECO—meaning that the Weyerhaeuser Company and Lone Star Sand and Gravel are *not bound by the agreement* in its text. In this 1989 MOA, WRECO agreed to hire "a Cultural Resources consultant who meets the minimum professional qualifications standard under 36 C.F.R. Part 61" (MOA 1989). It was mandated that the consultant develop a management plan and undertake a survey in order to evaluate "all Cultural Resources within the Property that could reasonably be considered directly or indirectly impacted by development activities proposed by WRECO or the City," according to National

Register listing criteria in order to determine their eligibility for listing (MOA 1989). Recall that the Weyerhaeuser Company had already contracted with Western Heritage to undertake a study under the same parameters. After this August 1989 MOA was signed, the SHPO allowed WRECO and the City to adopt the 1988-1989 survey undertaken by Western Heritage for the Weyerhaeuser Company (not WRECO or the City), and its attendant management plan, in lieu of requiring that a new survey be undertaken and a new plan developed. Welch removed a few sentences and pasted a date of October 1989 on her subsequent version of the April 1989 report and plan, in apparent satisfaction of the stipulations of the August 1989 MOA (Welch 1989b).

According to the 1989 MOA, should a cultural resource be determined to be ineligible for listing on the NRHP according to archaeological criteria of "significance" and "integrity," they are allowed to be destroyed no matter how significant they might be to sqʷaliʔabs/Nisqually peoples. If the cultural resources consultant determines a site as eligible for listing, then "WRECO and the City shall, *where prudent **and** feasible*, avoid Cultural Resources included in or eligible for inclusion in the National Register" (MOA August 7, 1989; emphasis added). If either party determines that it is not prudent, or not feasible, or neither prudent nor feasible to avoid the site, under this MOA WRECO and the City are permitted to destroy it, provided that they record or excavate it first. The parties agreed to be bound by the 1988 Cemetery MOA between the Weyerhaeuser Company and the Tribe, but only as it pertained to human remains and not cultural items, regarding the disposition of which the 1988 MOA states that, "The TRIBE shall inform WEYERHAEUSER as to the disposition of any objects that may be found in context with skeletal remains" (MOA 1988). In the 1989 MOA, WRECO and/or the City, depending on the status of ownership of the property where the cultural resources are found, were allowed to keep anything that they found, provisions stating only that "It is *expected* that

Native American artifacts recovered from the Property shall be donated to the Nisqually Tribe" (MOA 1989). Recall that RCW 27.44 had been amended the previous month, and that the City and the Companies were already required by law to reinter sqʷliaʔabs/Nisqually ancestral remains under the supervision of the Tribe. Therefore, the only difference between the 1989 cultural resource MOA and the 1988 Cemetery MOA is that in the 1988 agreement, Weyerhaeuser is to reimburse the Tribe for expenses related to reburial, whereas in RCW 27.44, the OAHP was responsible for costs, subject to the appropriation of funds for that purpose by the State legislature. As is apparent, the 1989 MOA imposes exactly no additional requirements on Weyerhaeuser.

Neither were any of these entities at any time subject to landmark federal legislation pertaining to the protection and repatriation of Indigenous ancestors and their belongings, and to sacred objects belonging to our peoples enacted in 1990, the Native American Graves Protection and Repatriation Act [NAGPRA] (P.L. 101-601; 25 U.S.C. 3001 et seq.). NAGPRA was enacted in response to centuries of protest, and decades of legal action, by Indigenous peoples regarding the archaeological and avocational destruction of ancestral gravesites and the desecration of human remains, sacred objects, funerary objects, and items of cultural patrimony (Mihesuah 1996; RidingIn 1992; RidingIn et. al 2004). The act seeks to protect "Native American" (defined as Indian, Native Hawaiian, and Alaska Native) burial sites through criminalizing their disturbance outside of ARPA-permitted activities, and to regulate the removal of human remains, funerary objects, and cultural items located on Tribal or federal lands through administrative permitting. NAGRPA's enactment triggered widespread outrage throughout the American archaeological community, whose "research materials" were suddenly to be treated in a manner suggesting that they are in fact *human beings.* The act requires consultation with lineal

descendants; Tribes whose aboriginal lands include the site in question; Tribes who are, or who are likely to be, culturally affiliated with the site, remains, or objects; and/or with Tribes who have a "demonstrated cultural relationship" with the remains or cultural items. The act also establishes procedures for the repatriation of Indigenous human remains and certain cultural items in the possession or control of federally-funded museums and federal agencies (Pensley 2005). Repatriation of remains and objects, and the disposition of remains and objects excavated or discovered on Tribal or federal lands, can occur after a determination of affiliation of these items with living lineal descendants or with federally-recognized tribes who can prove, according to NAGPRA's standards, their cultural affiliation with the remains or objects.

NAGPRA was enacted during what happened to be the second of six years of hearings conducted by the Senate Committee on Indian Affairs regarding the failure of AIRFA to provide adequate protection for Indigenous sacred sites and the practice of religions connected with these sites. Damaging court decisions, such as *Lyng v. Northwest Cemetery Protective Association* (485 U.S. 439 (1988)) and *Employment Division, Department of Human Resource, Oregon* v *Smith* (494 U.S. 872 (1990)), "effectively gutted any protections provided by the AIRFA and have further eroded First Amendment rights for American Indian peoples" (Feldman 2000:563). Responding to these hearings and their findings regarding the lack of adequate protections for culturally and spiritually important places under AIRFA, and responding to AIRFA's toothless directives, in 1990 the National Park Service published Bulletin 38. Bulletin 38 provides guidelines for the documentation and evaluation of a category of historic resources called "traditional cultural properties" [TCP] that may be determined eligible for listing on the National Register under NHPA. These properties may possess "traditional cultural significance" wherein "traditional […] refers to those beliefs, customs, and practices of a living community of people

that have been passed down through the generations, usually orally or through practice" (Parker and King 1990). Traditional cultural significance is thus derived from "the role the property plays in a community's historically rooted beliefs, customs, and practices" (Parker and King 1990). A TCP may be determined eligible for listing on the National Register if it meets the Register criteria. Such eligibility relates to the property's "association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (Parker and King 1990). As outlined above, the TCP concept allows the National Register Criteria to be partially reformulated in such a way as to more accurately reflect how these criteria might fit into Indigenous epistemological and ontological frameworks. The TCP concept also destabilizes the hegemonic role of archaeology within cultural resources management praxis by allowing for the consideration of sites that do not contain archaeological deposits.

The TCP concept undoubtedly represents an attempt towards an epistemological, ontological, and methodological shift within the federal historic preservation paradigm in terms of recognizing sites of cultural, spiritual, and historical significance to Indigenous peoples that may or may not have archaeological signatures. There are some drawbacks, however, to using the concept in the protection of Indigenous land-based cultural resources as they are conceptualized by Indigenous peoples ourselves. A TCP must still be determined to be a site, district, or structure, with a definable boundary, something often not applicable within a particular Indigenous ontology wherein boundaries around such places are amorphous or are such that a quantifiable standard of measurement is not necessarily applicable. Additionally, the TCP concept further enshrines a piecemeal approach to the evaluation and documentation of Indigenous land- and water-based cultural resources that is incommensurable with Indigenous

conceptions of interconnectedness between sites, as will be discussed in the conclusion of this work. However, while not likely initially intended to serve this function, the use of Bulletin 38 within the Section 106 process of NHPA may prove to be one of the only potential federally-crafted avenues available for gaining consideration (all that is legally required), and sometimes even protection, for places and landscapes of intertwined historical, cultural, and spiritual significance to Indigenous peoples. Through classifying and protecting these places as TCPs, NHPA potentially allows for federal management decisions which protect these "sacred sites" at the "expense" of the interests of members of various Settler publics who claim that the protection of Indigenous sacred sites by federal agencies amounts to the unconstitutional establishment of a state religion (see for e.g. *Bear Lodge Multiple Use Ass'n v. Babbitt* 175 F.3d 814).

The sanctity of the ancient shell midden at 45-PI-72 to sqʷaliʔabs/Nisqually peoples was ignored repeatedly by Weyerhaeuser, WRECO, and archaeologists under their employ. Despite the midden having been desecrated by archaeologists in 1977 and 1988, Weyerhaeuser and WRECO continually pressured the Nisqually Tribe to allow further destructive testing. According to Creighton (2004), on April 18, 1990, Nisqually Tribal Chairman Dorian Sanchez wrote to Robert Shedd at WRECO demanding that "the area be left undisturbed and that a large buffer be placed around the site. In addition, the Nisquallies opposed issuing any digging permits until the question of human burials was resolved" (Creighton 2004:152). This latter assertion appears to refer to the desecration of 28 sqʷaliʔabs/Nisqually ancestors discussed below, rather than to the ancestor interred within the shell midden at 45-PI-72. Despite a clear demand from the Tribe to leave the midden at 45-PI-72 undisturbed, WRECO again requested permission to excavate the site on July 15, 1990; the Tribe once again insisting that it not be further desecrated (Creighton 2004).

During this period in 1990, Lone Star began to seek permission "for the Pioneer Aggregates Project which proposed use and rehabilitation of the DuPont dock for a sand and gravel barge transshipment facility," the re-use of which had been vigorously opposed during the log export facility hearings and lawsuits (Settlement Agreement for Lonestar [sic] Northwest DuPont Project [Settlement Agreement] 1994:2). Lone Star submitted permit applications to the City of DuPont, seeking to take advantage of the Urban shoreline designation at the mouth of sčəgʷaliču/Sequalitchew Creek within which industrial exploitation was permitted. This contradicts Creighton's assertion, noted in Chapter 6, that Weyerhaeuser had applied for one or more of these permits in 1977 (Creighton 2004:103-104). The City and the DOE joined as co-lead agencies in the preparation of environmental compliance studies required under local and state law, which were to be undertaken over the next three years (Huckle/Weinman and Associates, Inc. et al. 1993). I have as yet been unable to determine if there was a federal EIS prepared in regard to the project. As Lone Star would be modifying a dock located in navigable waters, the Army Corps *should* have been involved in the permitting process, as they had been when the dock was going to be modified for Weyerhaeuser's log export facility.

Lone Star's proposal pertained to "some four hundred acres of land north of Sequalitchew Creek to be leased from the Weyerhaeuser Real Estate Company in Sections 22 and 23, T19N, R1E. The proposed project also would extend into portions of Sections 13 and 14, T19N, R1E on lands owned by Lone Star" (Welch and Daugherty 1990:2). Archaeologists Welch and Daugherty of Western Heritage, Inc. [WHI] were:

> awarded a contract by Lone Star Northwest to carry out Phase I Survey & Inventory and Phase II Testing and Evaluation studies to ensure the protection of significant cultural resources in the proposed project area. Western Heritage, Inc. conducted a literature and records search, interviewed informants, and made an archaeological and historic assessment of the study area to determine whether cultural resources existed, whether such properties, if present, were eligible for inclusion in the National Register of Historic

> Places, and whether the project will impact such properties. WHI uses the criteria specified In 36 CFR Parts 60 and 800 to evaluate the eligibility of cultural properties and the nature of project related impacts on them, respectively [Welch and Daugherty 1990:2].

Interested only in sites which fit archaeological criteria for significance and integrity, rather than sqʷaliʔabs/Nisqually conceptions of significance and sacredness, Welch and Daugherty engaged in a pedestrian survey of a portion of the four hundred acres within Sections 13, 14, 22, occasionally bringing in the bulldozers to "gently" look for the remnants of sites located ethnographically (Welch and Daugherty 1990). They assert that, "Outside of the Sequalitchew Grave Site, 45-PI-76, there were no known cultural resources present in the four hundred acres of the proposed project contained within the Northwest Landing property belonging to the Weyerhaeuser Company" (Welch and Daugherty 1990:30). Welch and Daugherty say nothing about the presence of sites within the remainder of the area included in the mine proposal consisting of the lands owned by Lone Star. Their survey methods provided "no evidence of *significant* cultural resources found within the four hundred acres to be leased from the Weyerhaeuser Company" (Welch and Daugherty 1990:31). There is no indication of whether they encountered sites that *they* did not consider to be archaeologically significant.

WHI undertook a number of additional cultural resource studies in 1990 on the WRECO-owned property in DuPont, largely regarding Settler sites. Or so we are initially led to believe. In December of 1990, Daugherty published a report on a "data recovery" excavation of six burials. "After an extensive search, the remains of five individuals associated with the Puget's Sound Agricultural Company (PSAC) were found buried on a small knoll located approximately 500 meters east-southeast of the 1843 Fort Nisqually" (Daugherty 1990:1). Note that he refers to five individuals in this statement found within the opening paragraph of the report, yet he accounts for six individuals in the remainder of the report. Daugherty provides an excerpt from a letter

written by former HBC Factor Edward Huggins to Clarence Bagley on September 7, 1906 which states in part that "Three or four other Company's servants are buried here also. I think that in all some eight or ten bodies are interred in this piece of ground" (Daugherty 1990:1). Knowing that many Indigenous peoples, including many sqʷaliʔabs/Nisqually and other Puget Sound ʔaciɬtalbixʷ/First Peoples, along with Kānaka maoli/Native Hawaiians and Indigenous Peoples from across Turtle Island worked at the Fort, Daugherty should have followed the provisions of RCW 27.44 as well as the 1988 Cemetery MOA with the Tribe. Instead, after three of the people had been tentatively identified and, "After all studies had been completed, and the remains of each placed in individual grave boxes for reburial in individual graves, a graveside funeral service, attended by the relative of one of the individuals, John Edgar, was held" (Daugherty 1990:3). The Nisqually Tribe was not notified, as far as I have been able to determine.

One additional 1990 cultural resources study must be briefly mentioned, as it raises significant issues pertaining to the ethics of the use of this study for anything to do with cultural resource identification and/or evaluation within the ancestral village landscape of sčəgʷaliču/Sequalitchew. In December of 1990, Western Heritage archaeologists published a report titled *Data Resulting from Analyses of Beads and Floral Remains from 45-PI-401, 45-PI-405, and 45-PI-55 Together With Analyses of Faunal Remains, Wood, Metal, Bricks, Ceramics, Clay Pipes, Vessel Glass, Flat Glass, Leather and Miscellaneous Items from 45-PI-55 DuPont, Washington Volume II* (Creighton et al. 1990). The lead author of this report is Janet Creighton. Apparently, the wife of the President of Weyerhaeuser had been hired to undertake cultural resource compliance studies relied upon by her husband's company.

In July of 1990, Washington State enacted the Growth Management Act [GMA] (RCW 36.70a) to "foster more compact urban development" (City of DuPont 2001:P-2).

Comprehensive plans drafted under the GMA are mandated to consider five elements: land use, housing, capital facilities, transportation, and utilities, which must be consistent with one another (City of DuPont 2001). The GMA is meant to guide growth within each city and county, but it is important to note that, "The City of DuPont is in an unusual position compared to most communities in the Puget Sound Region: it is an incorporated municipality with the *majority of its land area still undeveloped.* The City owns little of this land; however, the City has substantive authority to direct how this land will be developed and the uses to which it will be put" (City of DuPont 2001:P-2). After the enactment of the GMA, at the end of 1990, around the time that WRECO issued its first Declaration of Covenants, Conditions and Restrictions for its Northwest Landing residential properties, the City of DuPont suddenly took decided interest in sčəgʷaliču/Sequalitchew Creek (December 10, 1990, Pierce County Auditor Recording Number 9012110159). On November 6, 1990, Thomas Mark, Management Section Supervisor of the DOE's Shorelands and Coastal Zone Management Program, wrote to City of DuPont Mayor Mark Jackson, stating that "With the proposed Lone Star project receiving close scrutiny by other agencies and the public, Dupont [sic] has requested that we again evaluate the creek's flow for possible conformance with the stream flow criteria" (Mark letter to Jackson, November 6, 1990, document in possession of salətʼuṗkʷ Leonard Squally). These criteria are stipulated in the SMA of 1971, and pertain to the classification of eligible creeks as "shoreline" and subject to the provisions of the Act (Mark letter to Jackson, November 6, 1990, document in possession of salətʼuṗkʷ Leonard Squally).

After reviewing the 1976 Melchiors and McGreer study discussed in the previous chapter, along with previous and subsequent studies, DOE had some questions about the impact of the Fort Lewis diversion dam for which they wanted answers. "Randy Hannah of the

Environment and Natural Resources Division for the Fort was not aware of who controlled the structure or why additional water was needed in the stormwater ditch" (Mark letter to Jackson, November 6, 1990, document in possession of salətˀuɒkʷ Leonard Squally). DOE requested more time to determine: "1) Who actually controls the diversion level; 2) When is it altered and for what purpose; 3) Is there a valid water right for the diversion; and 4) Is there a need to continue the diversion?" (Mark letter to Jackson, November 6, 1990, document in possession of salətˀuɒkʷ Leonard Squally). DOE had determined at the time of this letter that if the diversion were not in place, "then the flow of Sequalitchew Creek could indeed reach or exceed 20cfs and should be retained under jurisdiction" (Mark letter to Jackson, November 6, 1990, document in possession of salətˀuɒkʷ Leonard Squally).

On January 14, 1991, DOE employee Alan Wald wrote to DOE employee Nora Jewett to communicate that after reviewing all previous flow data studies, without a determination of the legality of the Fort Lewis diversion, "the recent reports cannot conclude the mean annual flow of Sequalitchew Creek is less than 20cfs. I am not convinced Ecology should change the SMA classification of the creek at this time" (Wald letter to Jewett, January 14, 1991, document in possession of salətˀuɒkʷ Leonard Squally). On January 29, 1991, DOE Supervisor Mark again wrote to DuPont Mayor Jackson, informing him that "In summary, we consider the creek to be under Shoreline Jurisdiction throughout the City of Dupont [sic]. Consequently, any development within 200 feet of the creek or within its associated wetlands, must comply with the Dupont [sic] Shoreline Master Program, and may be subject to a shoreline permit" (Mark letter to Jackson, January 29, 1991, document in possession of salətˀuɒkʷ Leonard Squally). On February 8, 1991, Philip R. Mickelson of Lone Star Northwest wrote to Mayor Jackson informing him that Lone Star "is submitting additional shoreline permit applications for the

Pioneer Aggregates facility" (Mickelson letter to Jackson, February 8, 1991, document in possession of salaʔtuʔkʷ Leonard Squally). In his letter, Mickelson notes that in 1986, DOE had advised the City that the flow of sčəgʷaliču/Sequalitchew Creek was less than 20cfs and should be removed from the list of regulated shorelines, but the City had failed to amend the classification (Mickelson letter to Jackson, February 8, 1991, document in possession of salaʔtuʔkʷ Leonard Squally). The City then asked attorney James J. Mason to respond to DOE's determination. In a letter to DOE Supervisor Mark, Mason argues: "We are unaware of any comparable subsequent study which tends to discredit Melchiors and McGreer's findings. If one exists, we would appreciate a copy. If not, we believe it is inappropriate for the Department to disregard their conclusions and substitute an opinion based on impressions" (Mason letter to Mark, February 19, 1991, document in possession of salaʔtuʔkʷ Leonard Squally).

DOE Supervisor Mark replied to Mason on March 14, 1991, critiquing the Melchiors and McGreer study for its use of annual mean flow as opposed to mean annual flow, as discussed in the previous chapter. Mark asserted that, "We continue to maintain that their study does not contain, or document sufficient data to make the conclusions made. Because of this we do find that the Department's 1986 conclusion that the mean annual flow of Sequalitchew Creek is below 20cfs was erroneous or at least premature" (Mark letter to Mason, March 14, 1991, document in possession of salaʔtuʔkʷ Leonard Squally). In response, attorney Mason fired off a letter to Carol Jolly, the Assistant Director of Water Resources for the DOE, stating that, "I represent the City of Dupont [sic], which has been the recipient of what we believe to be unwarranted correspondence from Mr. Thomas Mark, Management Section Supervisor, Shorelands and Coastal Zone Management Program," asserting that "no data exist to support Mr. Mark's recent correspondence" and asking Jolly for her "personal intervention in this situation,

as we believe the City is being harassed here for no good reason" (Mason letter to Jolly, March 22, 1991, document in possession of salətˀuɬkʷ Leonard Squally). On April 8, Jolly responded, eviscerating his letter, pointing out that it was the City who had first contacted DOE and requested a review of the flow data. Jolly discredited Mason's arguments, concluding that: "In summary, it does not seem to me that the City is being harassed. The Department is responsible under the Shoreline Management Act for determining the extent of shoreline jurisdiction. We take this responsibility seriously and use the best available information" (Jolly letter to Mason, April 8, 1991, document in possession of salətˀuɬkʷ Leonard Squally). As will be discussed below, this would not be the end of the conflict over the shoreline status of sčəgʷaliču/Sequalitchew Creek and the sacred glacial kettle lakes amidst which it is nestled.

On January 29, 1991, Daugherty and Welch resurveyed the northern bank of sčəgʷaliču/Sequalitchew Creek near its mouth on the request of Ronald Summers, the General Superintendent of Aggregate Operations for Lone Star (Daugherty and Welch 1991). Despite the fact that there was a known burial ground in the vicinity, first written about by Edward Huggins (quoted in Reese 1994a) as noted in Chapter 2, and documented as 45-PI-76, Lone Star had decided that, "This particular area will house the conveyor belt which will descend from the bluff to the narrow gauge railroad tunnel that passes under the Northern Pacific tracks to access the wharf" (Daugherty and Welch 1991:3). Daugherty and Welch surveyed the land ten meters to either side of the proposed conveyor belt location, undertaking "close inspection and shovel testing from the top of the bluff, (an elevation of 52 meters) to the narrow gauge tracks below (an elevation of 15 meters)," and finding no indication of the graves (Daugherty and Welch 1991:3). At the end of the sparse one-and-one-half pages of text in their report, they asserted that the site has been so disturbed by previous construction that:

> It is extremely doubtful that any subsurface burials are intact in the area proposed for the conveyor belt. The grade from the brow of the bluff to the base is rather precipitous and only one small terrace is found at an elevation of twenty-one meters. However, *because of the sensitive nature of the cultural remains that were placed immediately to the east of the proposed construction*, we recommend that construction on the terrace be monitored to ensure the protection of any skeletal material that may have been displaced into the area by construction activities in the past [Daugherty and Welch 1991:4; emphasis added].

The identity of these cultural remains of a "sensitive nature," as distinguished from human remains or "skeletal materials," as well as the ultimate fate of these items of sq$^{w}$ali?abs/Nisqually cultural patrimony which had been placed by ancestors to the east of the proposed area of construction are unknown to me. The site appears to have never been recorded with the Department of Archaeology and Historic Preservation.

It was also in January of 1991 that a public meeting was hosted by the DOE, with the help of engineering firm Hart Crowser, regarding the status of contamination and cleanup efforts on the Powder Works property. At the four-plus-hour public meeting, DOE discussed the ongoing development of a consent decree pertaining to the clean-up. "In March of 1989, an innovative, citizen-mandated toxic waste cleanup law went into effect in Washington, changing the way hazardous waste sites in this state are cleaned up. Passed by voters as Initiative 97, this law is known as the Model Toxics Control Act [MTCA], chapter 70.105D RCW" (DOE 2007:1). The MTCA "sets strict cleanup standards to ensure that the quality of cleanup and protection of human health and the environment are not compromised. At the same time, the rules that guide cleanup under the Act have built-in flexibility to allow cleanups to be addressed on a site-specific basis" (DOE 2007:1). Under MTCA, the state DOE is responsible for notifying a potentially liable party "that a release or threatened release of a hazardous substance will require remedial action" (Thurston County Superior Court Consent Decree 91-2-01703-1 1991:2). DOE and the potentially liable party are empowered under MTCA to negotiate a settlement regarding

the remedial action to be taken, and "the settlement shall be filed with the appropriate superior court as a consent decree, after public notice and hearing" (Thurston County Superior Court Consent Decree 91-2-01703-1 1991:2).

At the January 14, 1991 meeting hosted by DOE, the agency "answer[ed] questions and solicit[ed] comments about a proposed consent decree between Weyerhaeuser Company, E.I. DuPont de Nemours and Company, and the Department of Ecology" (WDH, OTS, HWS 1991:4-5). After the public meeting, Washington State Department of Health [WDH] staff undertook a site visit on January 30, 1991 and was given a tour of the property (WDH, OTS, HWS 1991). WDH staff subsequently analyzed the sampling data which Hart Crowser had compiled to date, finding that there were multiple widespread contaminants across the entire property in the soil, surface water, and groundwater. Soil contaminants found at harmful levels included lead, mercury, oil and grease, 2,4-dinitrotoluene, 2,6-dinitrotoluene, trinitrotoluene, monomethylamine nitrate, PCBs and a number of polynuclear aromatic hydrocarbons (WDH, OTS, HWS 1991). Water-borne contaminants at unsafe levels included lead, oil and grease, 2,6-dinitrotoluene, monomethylamine nitrate, bis(2-ethylhexyl)phthalate, nitrate, and carcinogenic polynuclear aromatic hydrocarbons (WDH, OTS, HWS 1991). Numerous other contaminants were identified at greater than background levels, including antimony, chromium, and zinc. The Department of Health found that:

> Since the site is slated to be developed into a residential/commercial/industrial community in the future, health threats to workers that will develop the site, as well as to future residents and users of the land within the fenced area, must be considered. Possible exposure routes include ingestion of dirt by children and adults, inhalation of wind-blown soil, dermal contact with soil, drinking and showering with contaminated groundwater, eating fish caught in Sequalitchew Creek and Old Fort Lake, and ingestion and dermal contact with contaminated surface water while swimming in Sequalitchew Creek and Old Fort Lake [WDH, OTS HWS 1991:10].

The Department of Health staff found that the sampling data gathered by Hart Crowser was inadequate, however, and recommended that further remedial action be taken; including continued monitoring and more complete sampling, the imposition of institutional controls to prevent the use of water from contaminated aquifers, and the removal and/or treatment of contaminated soil (WDH, OTS, HWS 1991).

On July 17, 1991, the DOE, and the Weyerhaeuser and DuPont Companies entered into a Consent Decree in Pierce County Superior Court which mandated interim cleanup actions and the preparation of three documents pertaining to the remedial action:

> The Remedial Investigation [RI] will describe the sampling plan and list the data that have been gathered to evaluate soil, sediment, surface water, and groundwater contamination at the former DuPont Works site. The data gathered for the Remedial Investigation will be analyzed in the Health Risk Assessment [RA] to determine whether the amount and type of contamination could be hazardous to human health. The Feasibility Study [FS] is an assessment of the alternatives for cleanup of the contamination [WDH, OTS, HWS 1991:4-5].

The Consent Decree divided the property into two parcels: "The portion of the initial Consent Decree area generally south of Sequalitchew Creek is referred to as Parcel 1 and […] the portion generally north of the creek is referred to as Parcel 2" (URS Company 2000a:2-1). By the time of the Consent Decree, Weyerhaeuser had already undertaken numerous interim cleanup actions within both parcels, "with Ecology oversight, using cleanup guidelines in effect at the time" (Thurston County Superior Court Consent Decree 91-2-01703-1 1991:8). In the 1991 Consent Decree, it is stipulated that:

> The parties to this Decree recognize the historical and archaeological significance of the Site. Every reasonable effort will be made to ensure that area investigation and remediation will be conducted in a manner consistent with protection of these values. As soon as practicable after the execution of this Decree, Defendants shall, in consultation with the State Office of Archaeology and Historic Preservation, prepare a Cultural Resources Comprehensive Management Plan. The Plan shall detail the steps which will be taken, including dispute resolution, to protect the archaeological and historical values of the Site. The Defendants shall also prepare and submit a Cultural Resources Protection

> Plan which will ensure that work performed under this Decree will be completed in a manner consistent with the Cultural Resources Comprehensive Management Plan. These plans will be subject to Ecology approval [Thurston County Superior Court Consent Decree 91-2-01703-1 1991:15-16].

I have not been able to locate any compliance documents that may (or may not) have been prepared regarding the extent and location of these clean-up efforts within Parcel 2, north of sčəgʷaliču/Sequalitchew Creek, and therefore have no sense of the devastation likely wrought upon ancestral gravesites and culturally important places through these actions in that region of this landscape. While the Draft RI/RA/FS was supposed to be completed within twenty-four months of the effective date of the Consent Decree, these draft documents were not completed for over three years, after a number of requests for extensions were granted (URS Company 2000a).

At some point during 1991, Lone Star submitted its site plan and shoreline permit applications for their planned mining project (DOE and City of DuPont 1995).[110] Two weeks after the issuance of the Consent Decree, on August 14, 1991, the City of DuPont enacted Ordinance No. 439, "An Ordinance Adopting a Map and Text Amendment to the City of DuPont Shorelines Master Program, Removing Sequalitchew Creek and its Associated Wetlands from the Shorelines Master Program." The City relied upon the suspect 1986 Melchiors and McGreer study which DOE had found provided inadequate information pertaining to the flow of sčəgʷaliču/Sequalitchew Creek. Recall that if the creek's flow were to be determined as less that 20cfs, it would no longer be considered a "shoreline" under the SMA and therefore would not be subject to regulation under the Act. The City's SMP amendment was subject to the approval of the DOE, who had informed the city and its attorney that they recommended against removing

[110] This document is missing the page which lists most of the actual authors/contributors and I therefore provide a citation of the source which names the lead agencies responsible for compliance.

sčəgʷaliču/Sequalitchew Creek and its associated sacred kettle lakes from the City's list of shoreline areas four months previously. The fate of these waters was now in DOE's hands.

It was also in August of 1991 that the twenty-eight sqʷaliʔabs/Nisqually ancestors were desecrated by Hart Crowser, the burial ground being recorded by Richard Daugherty as an archaeological site, 45-PI-413, on August 22, 1991, as discussed in the previous chapter. Creighton asserts that "In early August 1991, a gathering was arranged at the tribal headquarters, so that WRECO could discuss the twenty-eight burials discovered at Northwest Landing" (Creighton 2004:152). Again, either Daugherty failed to report and record these burials immediately, or Creighton has made yet another mistake. Creighton continues in her account:

> A second meeting convened on August 26 between the tribe, WRECO, and the city of DuPont, along with construction engineers at the site, to air concerns. On September 11 the tribal council requested that those particular graves, which were obviously in a fort burial ground, not be moved into the newly established cemetery, but be left where they were. A letter was sent to a WRECO executive informing him of this tribal decision [Creighton 2004:152].

A footnote at the end of the last sentence of this excerpt refers to the letter, discussed above, written by Tribal Chairman Dorian Sanchez on April 18, 1990 regarding the shell midden at 45-PI-72. Unless Sanchez is prescient, there is no way that he could have known in April 1990 about the August 1991 desecration of the twenty-eight ancestors. Creighton further asserts that sometime during the August meetings, "WRECO presented all the Native American artifacts that had been uncovered at Northwest Landing to the Nisqually Tribe Historical Committee and [sic] along with a lockable display case" (Proctor 2005:12). Several more meetings followed and in December of 1991, "WRECO presented a report to the tribe, stating that both WRECO and the city of DuPont had accepted the tribe's request. The twenty-eight burials were covered with horizontal chain-link fencing and a layer of earth, and left as they had been found" (Creighton 2004:152-153). I have not been able to locate any documented indication that the Tribe agreed to

this method of "protection" aside from Creighton's dissertation. salətʼuƀkʷ Leonard Squally insists that these ancestors were supposed to be moved out of the way of construction: "They claim they moved 'em up on that little hill. I don't know if they moved 'em all. That's when they were doing things and they weren't including me" (personal communication 2010).

In December of 1991, as WRECO was issuing the first of its Declaration of Covenants, Conditions, and Restrictions for their Northwest Landing commercial properties, numerous environmental groups submitted a petition to DOE "to redesignate DuPont's Urban shoreline as Conservancy or Natural and to prohibit mining in these environments," a petition which DOE denied in February of 1992 (City of DuPont Ordinance No. 95-521 1995; Pierce County Auditor Document No. 9112300655). Meanwhile in early January 1992, WRECO, within a statutory warranty deed, sold a small tract of property within Section 23 to Lone Star for ten dollars, and Lone Star immediately filed a deed of trust on the same property, placing it back under WRECO's legal ownership "for the purpose of securing performance of each agreement of Grantor incorporated by reference or contained herein and payment of the sum of one million four hundred seventy-five thousand and no/100 dollars," said promissory note having a "due date of not later than April 2, 1992" (Pierce County Auditors Recoding No. 9201070566 1992:1; Pierce County Auditors Recording No. 920170565 1992). How the value of a piece of land can increase from ten dollars to almost one and a half million dollars in a matter of minutes is unclear to me.

Also in January of 1992, the DEIS pertaining Lone Star's Pioneer Aggregates Mining Facility and Reclamation Plan was published (DOE and City of DuPont 1995). While I have not been able to locate that document, I was able to locate a single comment letter submitted in response to the DEIS by the National Oceanic and Atmospheric Administration [NOAA] which

contains a statement, the importance of which will become very apparent in the next chapter. NOAA Division Chief Merritt E. Tuttle wrote, in part, that "Any pumping from aquifers contributing to the flow of Sequalitchew Creek should be avoided, particularly from the Vashon Drift Aquifer. Pumping from these aquifers could reduce the flow of Sequalitchew Creek, by reducing groundwater recharge, thus increasing contamination of the creek's waters" (NOAA DEIS Comment Letter, February 4, 1992:3). In an attempt to mitigate impacts from the proposed mining activities, on April 8, 1992, the City of DuPont enacted Ordinance No. 449, the Sensitive Areas Ordinance (DOE and City of DuPont 1995).

This ordinance was originally codified under Chapter 23.02 but has since been repealed by Ordinance 02-707, and the original provisions of Ordinance 449 are therefore unknown to me. Currently, City statutes pertaining to Sensitive Areas are codified within Chapter 25.105, which contains sections pertaining to "Preserving and protecting environmentally sensitive areas by regulating development within them and their buffers […], encouraging a policy of no net loss of wetland and stream function, value and area within the city; […] and preventing adverse cumulative impacts to water quality, wetlands, stream corridors, and fish and wildlife habitats," among numerous other provisions (City of DuPont Chapter 25.105). I must assume that the original provisions of Ordinance 449 were not overly dissimilar. On May 12, 1992, the City imposed a Restrictive Covenant upon its own property within Section 26, mandating that the tract "shall remain in perpetuity as open space, and shall not be built upon or excavated for any purpose" (Pierce County Auditor Recording No. 9205210948 1992). This is the land within which the twenty-eight ancestors had been desecrated first by Hart Crowser, and then by Daugherty and his crew. The multiple and contradictory ordinances enacted by the City, some in support of and some in opposition to, the pending devastation of portions of the ancestral village

landscape sčəgʷaliču/Sequalitchew, its sacred areas, and the graves of ancestors which it contains, provide a window into the conflicts brewing, even within the confines of City governance.

At the federal level in 1992, protections for places and landscapes significant to Indigenous peoples were much more clearly headed in a positive direction. Congress once again amended NHPA, providing for the first time a substantial role for Tribal governments and their designees within federal and state historic preservation programs and significantly transforming the Section 106 compliance process (Tiller 2003). Under the 1992 amendments, NPS was authorized to enter into agreements with federally-recognized Tribes under which Tribes could establish Tribal Historic Preservation Offices [THPOs] to assume any or all of the State Historic Preservation Office [SHPO] functions with regard to all lands within reservation boundaries. A clear recognition of Tribal sovereignty, these amendments have enabled Tribes who form THPOs to keep states from interfering in the protection of ancestral cultural remains within reservation boundaries. The first THPO agreements were not signed for four more years, and I will return to discussion of the proactive use of the THPO position to protect off-reservation sites of spiritual, historical, and cultural significance in the conclusion of this work.

In July of 1992, once again, ancestors at rest within the ancestral village landscape of sčəgʷaliču/Sequalitchew were desecrated. Janet Creighton and Richard Daugherty each make a number of assertions regarding this act of Settler colonial structural genocide. First Creighton asserts that:

> Meanwhile, ongoing efforts to determine whether all human remains at the 1833 fort cemetery had been recovered exposed *one* additional grave of an HBC employee. Inspection of this burial showed evidence of non-Indian origin because of the nature of the grave box. This was considered the last remains associated with the 1833 first burial ground, where six identified individuals and unrecorded graves of Native Americans were previously discovered [Creighton 2004:138; emphasis added].

Creighton appears to be unaware of the fact that just because someone is in a coffin does not mean that they are not Indigenous. Creighton then asserts fifteen pages later that, "On July 6, 1992, OAHP notified the tribe that another Indian burial had been found at the 1833 fort excavation site, along with the remains of a non-Indian," now indicating that there were *two* people desecrated (Creighton 2004:153). This is actually the truth, although you wouldn't know it from the newspaper article published shortly after the desecration.

On July 29, 1992, an article was published in the Tacoma News Tribune regarding the desecrations within the 1833 Fort burial ground. Cecilia Carpenter provided salaʔtuƀkʷ Leonard Squally with an annotated photocopy of the article from her archives several years after its publication which states, in Carpenter's handwriting: "Note: The Nisqually Tribe was unhappy that our burials received public exposure. C.C.". It's difficult to blame the archaeologists for this when in 1989 Tribal fisheries manager Joe Kalama spoke so openly about the 1989 reburial ceremony to a reporter from the Seattle Post-Intelligencer, as noted above. In the 1992 Tacoma News Tribune article, Daugherty provided numerous comments:

> "It was probably a Hudson's Bay person," said Richard Daugherty, a retired archaeology professor hired as a consultant by Weyerhaeuser. "Looking at the outside of the box, it looks like other Hudson's Bay boxes," he said. "They are made of cedar and are small. They didn't make very big coffins back then." […] Because of records kept on Fort Nisqually, archaeologists were expecting to find as many as six burials where the most recent body was unearthed. Only the one coffin, however, was found. "It was right where we thought it should be," said Daugherty. "We were just disappointed that we didn't find the rest." […] Daugherty said that in the past five years archaeologists have unearthed eight burial sites, two belonging to Indians and six to white settlers […] Another site where 28 bodies were found close to the 1843 fort was marked off and preserved as a historic site. That site was not as easy to find as the latest burial, said Daugherty. "The English settlers…described everything except where the cemetery was," said Daugherty. "We had a dickens of a time finding out where they were buried [McClain 1992:1-2].

Perhaps by "a dickens of a time" Daugherty means how difficult it was for a bulldozer operator to have accidentally ripped through these twenty-eight graves, rather than the "dickens" referring to some sort of systematic search for these ancestors.

In his 1992 report on "The Excavation of Burials Four and Five at 45-PI-404," it is clear from the title alone that there were *two* people desecrated during this excavation. Daugherty asserts that during the "ongoing effort" to identify graves on the Weyerhaeuser/WRECO properties, a sqʷaliʔabs/Nisqually ancestor who Daugherty identifies as "Burial 4" was desecrated in March of 1992. "Application was made to the Washington State Office of Archaeology and Historic Preservation for a permit to professionally excavate the burial and re-inter the human remains in the nearby Sequalitchew Cemetery. The permit was granted and the excavation took place on September 10th and 11th, 1992" (Daugherty 1992:2). In the middle of his report, Daugherty states that in July of 1990, a grave which had been previously desecrated by construction was uncovered and the assumption made, based on the use of a coffin, that this person was not Indigenous. This person's remains were apparently disinterred and reinterred in the Sequalitchew Indian Cemetery on August 2, 1990, but I have been unable to locate any information about this desecration in the DAHP archaeology database. Along with "Burial Four," the skull of a young man was found on the same day, assumed to be a Settler, and dubbed "Burial 5." Regarding "Burial 4," Daugherty states that:

> Early in this report it was stated that this burial was thought to be that of a non-American Indian because of a burial box made of sawn lumber and held together with hand-forged nails. A statement in the Journal of Occurrences, the daily diary maintained at the Fort, indicates that this is not a reliable criterion for helping to identify the deceased [Daugherty 1992:10].

"Burial 4" as it turns out was a young sqʷaliʔabs/Nisqually woman. Her companion in death, Mr. "Burial 5" was assumed by Daugherty and Creighton, who assisted with the desecration and

reburial, to be a Settler because of wear patterns on his teeth. The Tribe was never notified about the 1990 desecration above, but was invited to hold a reburial ceremony for only the young woman on November 4, 1992. Because the young man from "Burial 5" was assumed to be a Settler, he was interred two days later by archaeologists and the Tribe was never informed of his existence or desecration.

The FEIS for the Lone Star Pioneer Aggregates Project was released on February 3, 1993. Unfortunately, I have only been able to locate the first volume of this three volume study: "Volume I contains the revised text of the Draft EIS; changes in the text are shown underlined. Volume II contains comments received on the Draft EIS and responses to comments. Volume III contains technical reports used and summarized in the text of the EIS" (Huckle/Weinman and Associates, Inc. 1993:Summary 1). I would like to be able to examine the other volumes closely, as the second provides one of the only substantial windows into arguments being asserted against the proposal, and the third volume contains the studies upon which the EIS is based. In making reference to prior studies undertaken in relation to Weyerhaeuser's log export facility proposal, the City and the DOE state that "The facility was approved but never implemented," proving Creighton (2004) to be in error once again in her assertions that Weyerhaeuser gave up on the project because it had not received approval, as discussed in the previous chapter (Huckle/Weinman and Associates, Inc. 1993:Summary 3). The *Pioneer Aggregates Mining Facility Reclamation Plan* FEIS provides a summary which reveals just how ecologically disastrous this project was determined to be prior to its approval. The FEIS, of course, provides no indication of just how far from the approved proposal Lone Star and its successors would seek to stray.

The proposal contains nine interrelated actions, including: 1) the clearing of trees and vegetation; 2) a "phased surface mining operation to extract sand and gravel from approximately 360 acres over a 20- to 25- year period. Approximately 3 to 4 million tons of sand and gravel would be processed each year, beginning in 1994 or 1995"; 3) construction of an aggregate processing plant which would use 650 gpm of water from a well northeast of the proposed plant; 4) construction of two enormous conveyor systems across the entire property; 5) repair of the existing DuPont Powder Works dock "to accommodate barge loading for transport of mined materials"; 6) construction of a paved haul road, an emergency access road, and a pedestrian access trail along the north bank of the creek; 7) construction of a ready-mix concrete plant; 8) construction of an asphaltic concrete plant; and 9) "regarding, revegetation and reclamation of the site for future use consistent with the City of DuPont Comprehensive Plan. Approximately 220 acres would be buildable after mining operations are completed" (Huckle/Weinman and Associates, Inc. 1993:Summary 4-5).

The project, slated to remove 75-90 million tons of sand and gravel, raise massive clouds of particulates, and permanently alter ground and surface water hydrology, was found to have largely negligible or minimal environmental impacts. Those impacts which were found to be significant were going to be mitigated through the creation of beautiful man-made landscapes, better than those sacred and sentient landscapes found on the site naturally which would be irreparably altered through this violence. "No significant direct impacts to the kettle wetlands or to the salt marsh would occur," and there was apparently no need to mitigate *indirect* impacts from radically reconfigured site hydrology (Huckle/Weinman and Associates, Inc. 1993:16). It is difficult to believe that none of the documented "137 bird species, 19 mammal species and 10 reptile and amphibian species on the Weyerhaeuser site," and countless plant species would be

adversely impacted by mining (Huckle/Weinman and Associates, Inc. 1993:144). Additionally, the FEIS states that, "Construction of the conveyor and improvements to the dock will involve pile driving, which would cause juvenile (but not adult) salmon to avoid the area," and while "the potential impact of pile driving on adult salmon has not been documented" the City and DOE were certain that "it does not seem reasonable to suggest that adult salmon would avoid Sequalitchew Creek because of pile driving" (Huckle/Weinman and Associates, Inc. 1993:16, 162).

While "the DuPont shoreline is a migration pathway for adult salmon," the City and DOE had discovered that out of 124 tagged salmon, "only four of the tag returns were from Sequalitchew Creek" (Huckle/Weinman and Associates, Inc. 1993:152). salaʔtuƀkʷ Leonard Squally remembers: "Even when we used to seine out there. You'd see 'em. They'd all go up on high tide and they'd spawn at the bottom of it because they couldn't make it. There wasn't enough water to get all the way up to the lake. Dog salmon especially. Used to be loaded in the bottom. Used to seine when that dock[111] was put in" (salaʔtuƀkʷ Leonard Squally, personal communication 2010). The small number of salmon returning to the creek was likely due to the fact that an intricate culvert system and the Fort Lewis diversion make the creek largely impassable; this despite the existence of the Department of Fisheries Hatchery Program in sčəgʷaliču/Sequalitchew Lake. In regard to sqʷaliʔabs/Nisqually treaty-protected rights and responsibilities, Lone Star proposed to refrain from driving pilings during times when Tribal members were fishing in the area.

The 1993 DEIS provides only two pages pertaining to "historic resources," one and a half pages of which is focused on previous studies and the history of the site in relation its use by "native [sic] Americans," the HBC, and the DuPont Company (Huckle/Weinman and Associates,

[111] This is in reference to the dock that would eventually be constructed as part of the gravel mining operation.

Inc. 1993:254). In the section pertaining to the known burial ground at near the mouth of sčəgʷalicu/Sequalitchew Creek, the FEIS states: "While the Sequalitchew Grave Site (45-PI-76) lies within the buffer areas adjacent to the creek, construction activity could disturb any skeletal remains" (Huckle/Weinman and Associates, Inc. 1993:255). The 1989 cultural resource management plan contains provisions for reinterring desecrated ancestors should they be observed after being ripped out of the ground by construction workers, some operating bulldozers which would inhibit or prevent their ability to have an unhampered view of their activities.

And what of the creek at the heart of the ancestral village landscape of sčəgʷaliču/Sequalitchew, ostensibly protected under the SMA and the City of DuPont's SMP? I have found two references to a letter or letters sent to DOE's Thomas Mark, the man who had been accused by attorney James Mason of harassing the City, by the State Attorney General's Office. One document asserts that on March 15, 1993, a letter was written by Assistant Attorney General Tom McDonald (Riveland letter to Gorgensen, March 30, 1993, document in possession of salətʼuṗkʷ Leonard Squally). The other document asserts that the letter was written by then-Attorney General, and now Governor, Christine Gregoire (Andrews and Swint 1994). The March 15, 1993 letter sent to Mark from the Attorney General's office was sent in reply to an inquiry from Mark as to "whether Ecology should consider the diverted flow when determining the shoreline status of Sequalitchew Creek" (Andrews and Swint 1994:25).

The SMA states in part that "Any areas resulting from alterations in the natural condition of the shorelines and wetlands of the state no longer meeting the definition of 'shorelines of the state' shall not be subject to the provisions of ch. 90.58 RCW" (Attorney General's Office

quoted in Andrews and Swint 1994:25). However, the letter from the Attorney General's office provides that:

> If there is no legal authority for the diversion on the Fort Lewis Army Reservation, Ecology would be correct to consider the quantity of water diverted by the Army when calculating the jurisdiction under ch. 90.58 RCW. Essentially, the authority to regulate the Creek cannot be avoided by illegal action which redefines the characteristics of the Creek. It is a basic principle of law that *one cannot take illegal action to avoid obligations and requirements of the law* [Attorney General's Office quoted in Andrews and Swint 1994:25; emphasis added].

According to Andrews and Swint:

> Gregoire says that diversion rights *may be legal* if they existed prior to the 1917 surface water code. She states it was her understanding that the United States did not have a permit issued pursuant to the 1917 Water Code. The right could not be grandfathered in, because the Fort Lewis diversion was not built until at least 1949, and probably closer to 1954 according to Jim Benson of the Fort Lewis Environmental and Natural Resources Division [Andrews and Swint 1994:25; emphasis added].

Perhaps there were *two letters* sent to Mark by the Attorney General's office because in a March 30, 1993 letter to Mayor Gorgensen, DOE Director Mary Riveland states that "The question of whether the stream flow diversion is legal was referred to the State Attorney General. Tom McDonald, Assistant Attorney General, responded on March 15, 1993, that the United States is *probably authorized* to divert water from Sequalitchew Creek" (Riveland letter to Gorgensen, March 30, 1993:1; emphasis added, document in possession of salətˀuɬkʷ Leonard Squally). The Mayor is creative in her interpretation of the data. Not only did Fort Lewis not have a 1917 Water Code Permit, they did not even have title to these lands until November of 1919, subsequent to the condemnation proceedings discussed in Chapter 4. *Probably authorized,* however, was apparently good enough for the DOE director and the State Ecological Commission. Director Riveland was "pleased to tell [Gorgensen] that the Department of Ecology has adopted the DuPont Shoreline Master Program amendment to remove the listing of

Sequalitchew Creek" (Riveland letter to Gorgensen, March 30, 1993:1, document in possession of salətʼuṗkʷ Leonard Squally).

There is an indication that a number of people on the DuPont City Council were conflicted over the project. In regard to the permit applications submitted by Lone Star, "The city council denied the permit in its first vote, in June of 1993 (Andrews and Swint 1994:9). The City then reversed its decision on September 2, 1993, approving the Site Plan and the Shoreline Substantial Development and Shoreline Conditional Use permits (Settlement Agreement 1994). Perhaps not understanding the purpose of removing sčəgʷaliču/Sequalitchew Creek from shoreline status, the DOE denied the City's Conditional Use Permit, and appealed the City's Substantial Development Permit to the Shoreline Hearings Board [SHB] on October 15, 1993 (Settlement Agreement 1994). That same day, two more challenges were filed, with the NDA and the Black Hills Audubon Society appealing both permits to the SHB, and the NDA and Judith and Karl Krill appealing the approval of the Site Plan to the Pierce County Superior Court (the Krills soon dropped their suit). On October 26, 1993, both Lone Star and WRECO filed appeals with the City's SHB regarding the DOE's decision to deny the Conditional Use permit. "All of the respective shoreline appeals were consolidated by order of the Shorelines Hearings Board in its Pre-Hearing Order dated December 14, 1993" (Settlement Agreement 1994:2).

While the legal battles over the mine proposal were getting underway, Western Heritage began to do what they had been contracted to do four years previously: make determinations of National Register eligibility for a number of recorded sites. On May 10, 1993, 45-PI-73 Indian House or Hall site, was nominated by Richard Daugherty to the NRHP. Daugherty calssified the the site as "Historic—Non-Aboriginal," depite the fact that at least one iteration of the structure had been built with the help of salətʼuṗkʷ Leonard Squally's great-grandfather John Kalama,

and it served as home for Indigenous HBC workers (Daugherty 1993b:Section 7, page 2). Daugherty states that:

> Just where Indian House was located relative to the 1833 Fort is not known. Because Sequalitchew Creek, the only source of drinking, cooking, and drinking water lies to the north, it is likely that the structure was located in that direction. Numerous backhoe peels throughout this area by Western Heritage personnel have revealed that it was subject to heavy industrial use by the DuPont Powder Works. No indication of the location of Indian House was found, and it is doubtful that any trace of the structure or the associated cultural deposits remains [Daugherty 1993b:Section 7, page 1].

Despite the fact that he couldn't find the site and, in fact, *believed that it no longer existed*, because he associated the site with *Settler* history, Daugherty deemed this non-existent building a national treasure *eligible for listing* on the NHRP. On July 29, 1993, Daugherty submitted the NHRP nomination for 45-PI-72 DuPont Southwest, the ancient shell midden. Daugherty makes no mention of the ancestor whom Blukis Onat, et al. had desecrated in 1977 (Daugherty 1993a). He does make notes of the fact that, "Plans to conduct data recovery excavations at the site were abandoned when the Nisqually Tribe expressed to the Weyerhaeuser Real Estate Company their wish that the site not be excavated" (Daugherty 1993a:Section 7, page 1). This was not exactly the case, as will be discussed shortly. The following day, Daugherty recorded and nominated another ancient shell midden, 45-PI-414. He did not give a formal name to the site, but refers to it as "the moonsnail site" in reference to the great number of moonsnail shells within the midden (Daugherty 1993d). While the midden was not tested at this time, it was apparent enough to Daugherty that this was a very significant place, and he determined that it was eligible for listing on the NHRP (Daugherty 1993c).

As noted, Daugherty asserted that plans to test the ancient midden and final resting place of the ancient sqʷaliʔabs/Nisqually ancestor who had been desecrated by Blukis Onat, et al. (1977) had been abandoned due to resistance from the Nisqually Tribe (Daugherty 1993a).

Perhaps they were abandoned for the few months prior to Gary Wessen of WHI drafting, "A Research Design for Archaeological Studies at 45-PI-72, An Early Shell Midden Site Near DuPont Washington" on January 1, 1994 (Wessen in Western Heritage 1994). Wessen *does* make note of the person or persons known to be within the midden, stating that while this person's disturbance and desecration is mentioned in Blukis Onat et al.'s (1977) unpublished field notes, "Virtually no other details are provided, but this circumstance must be taken as indicating that at least one, and possibly more, human burials may be associated with this site" (Wessen in Western Heritage 1994:5). In regard to the research plan itself, perhaps it had been prepared should there happen to be a change in Tribal leadership which would enable Wessen or other Western Heritage archaeologists to further desecrate the site.

It was also in January of 1994 that the numerous parties involved in the gravel mine permit appeals and litigation "retained a professional mediator to facilitate settlement discussions to determine whether a settlement agreement that meets the needs of the various parties could be reached" (Settlement Agreement 1994:3). sčəg$^{w}$aliču/Sequalitchew Creek was a central concern for many opponents to the project. The shoreline status of the creek having been altered due to the declaration of the Army's theft of water as being "probably authorized" meant that it was no longer subject to regulation under the SMA. The flows diverted from the creek through the canal to Tatsolo Point were also unregulated, as well as the waters withdrawn by the Army from sčəg$^{w}$aliču/Sequalitchew Springs for domestic and emergency supplies (Andrews and Swint 1994). These anthropogenic diversions lead to nearly constantly diminished creek flow. During high water events, however, the effects of the diversion canal are deadly to salmon fingerlings:

> Carried by the high flow of the creek, the salmon travel down the canal instead of down Sequalitchew Creek. The water in the canal reaches Puget Sound at Tatsolo Point, where it flows down a steep concrete flume. The descent down the flume is fatal to the delicate fingerlings. According to Darrell Mills of the DFW [Department of Fish and Wildlife],

> they often reach the bottom of the flume scraped nearly bare of their protective scales [Andrews and Swint 1994:15].

There are still native salmon that return to sčəgʷaliču/Sequalitchew Creek to spawn, despite the fact that "David Troutt of the Nisqually Tribe's Natural Resources Department says that Sequalitchew Canyon is too steep to be hospitable to a natural salmon run" (Andrews and Swint 1994:13).

There seems to have been a sea change during the late spring and early summer due to a number of interrelated factors. On April 24, 1994, there was an historic meeting between President Clinton and representatives of Tribal governments during which Clinton reaffirmed the Nation-to-Nation relationship each Tribe has with the federal government, and issued a directive to all federal departments and agencies stating that, "As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty" (Clinton Memorandum on Government-to-Government Relations with Native American Tribal Governments [Clinton Memorandum] April 24, 1994). Within the context of these Nation-to-Nation relationships, Clinton mandated that each department and agency was to consult with Tribal governments before taking actions that affect Tribal Nations and, most importantly, each agency and department was directed to "assess the impact of Federal government plans, projects, programs, and activities on Tribal trust resources and assure that Tribal government rights and concerns are considered during the development of such plans, projects, programs and activities" (Clinton Memorandum April 28, 1994).[112] While I have as yet been unable to locate any federal

[112] The memorandum, ironically prepared without tribal involvement, directs that: "All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals" (Clinton Memorandum April 28, 1994; Haskew 2000). The memorandum curiously leaves the term "interested parties" undefined and, in my experience in working for a tribal government and engaging in consultation meetings with various federal agency officials, none of these consultation meetings have ever

DEIS or FEIS related to the mine project, if the Army Corps *was* involved, their involvement may very well have provided the avenue through which the Nisqually Tribe began to assert its sovereignty in relation to the mine proposal and the protection of the salmon who make the Delta their home.

On June 24, 1994, Attorney Ann M. Gygi of Hillis, Clark, Martin, and Peterson, wrote to Nisqually Tribal Attorney Bill Tobin on behalf of Lone Star outlining a settlement agreement pertaining to the proposed mine. Likely at the Army Corps insistence, Lone Star was suddenly interested in the impacts of the project on the treaty-protected fishing rights of the sqʷaliʔabs/Nisqually Nation. Although I have never seen a reference to this Agreement in any other document, salətˀuṗkʷ Leonard Squally tells me there was eventually a settlement between Lone Star and the Tribe that would have far reaching impacts on the project, and for which Settler environmentalists take all the credit. In the draft settlement agreement appended to Gygi's letter, Lone Star explicitly recognizes the sovereign status of the Tribe and the primacy of the consideration of impacts to their "usual and accustomed fishing grounds and stations" within the proposed project area (Draft Nisqually Tribe/Lone Star Agreement June 1994). One provision of the draft agreement states that "The Tribe believes that a dock location at Tatsolo Point may have less impact to tribal fishing activities than the existing dock location at Sequalitchew Creek. Presently, however, existing regulations encourage reuse of the existing dock over establishment of a new dock at Tatsolo Point" (Draft Nisqually Tribe /Lone Star Agreement June 1994). Lone Star proposed to "seek a settlement agreement with regard to the Pending Appeals which

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required the participation of interested parties outside of official tribal government officials and their designees. The memo itself declares that the purpose of the openness of consultation meetings is that so interested parties "may evaluate impacts for themselves," not to provide an avenue for their participation in decision-making processes.

supports a new dock location," in the Tatsolo Point area, provided that the Tribe supported the project.

As mitigation for the impairment of treaty rights, Lone Star offered a substantial cash settlement and, "to develop jointly with the Tribe, an employment preference for Nisqually Tribal members in order to increase employment opportunities for the Tribe" (Draft Nisqually Tribe/Lone Star Agreement June 1994). The Tribe was also given the option of accepting some of the settlement monies early, provided that they used them to acquire the Braget Farm property in the Delta, contiguous to the NNWR. While moving the dock would be a victory for some salmon, the salmon at Tatsolo would pay dearly for this decision. Why the Nisqually Tribal Council did not leverage their treaty rights to stop the project is unknown to me. Perhaps because the Tribe was not in the socio-economic and political position that it holds today relative to Settler society, they may not have had the financial wherewithal to pursue legal action in the federal courts over the mine at that time. Nevertheless, the impacts of the project on the sqʷaliʔabs/Nisqually treaty-protected fishery at sčəgʷaliču/Sequalitchew were suddenly viewed as primary and, as a result, Lone Star had been forced into a bargaining position regarding the location of the dock.

As these numerous settlement negotiations unfolded, the initial studies mandated under the 1991 Consent Decree regarding the industrial contamination of the Weyerhaeuser/WRECO property began to be issued. A Draft Remedial Investigation [RI] was completed in June of 1994 which "identified 14 potential chemical contaminants and 22 areas of the site that warranted consideration in the site risk assessment (RA)" (URS Company 2000a:2-2). The Draft RA was completed in December of that year, and it was "determined that no further action was needed for some areas and identified the remaining areas for which cleanup actions were to be evaluated

in the feasibility study (FS)" (URS Company 2000a:2-2). It was determined that no further action was required within certain areas because between 1986 and 1994, "Weyerhaeuser and DuPont undertook interim source removal actions to clean up soil and/or debris from 21 areas of the site" (URS Company 2000a:2-2). These interim actions, purportedly "reviewed and approved by Ecology prior to implementation" (although I have not as yet been able to locate any documentation of these reviews or approvals), "were undertaken to improve overall site conditions and minimize delays in the RI/RA/FS process," and "provided for more complete characterization of the site at lower risk and allowed the FS to focus on the remaining soil contamination at the site" (URS Company 2000a:2-2). The strategy articulated within the 1994 Draft FS:

> recommended that soils from remediation units with arsenic only or lead-only contamination (most of the remaining remediation units following completion of interim source removal) be treated and/or capped on the project site. The draft FS recommended that soils with other constituents from some small remediation units be shipped to appropriate offsite landfills. The conceptual plan proposed in the draft FS features a golf course layout that includes the arsenic-only and lead-only contaminated soils requiring excavation and/or treatment. Residential, open space, or mixed residential and commercial land uses could occur on other areas of the site surrounding the golf course. Soils with concentrations below the applicable remediation levels for the corresponding land use would be left in place. Soils within the golf course area that have concentrations above golf course remediation levels would be treated to reduce contaminant levels and left in place or would be taken offsite for disposal. Contaminated soils could be placed within the golf course footprint, provided the concentrations of these soils were below the golf course remediation levels. Following placement of these soils within the golf course footprint, clean soils would be deposited over the golf course to provide capping material and help shape the course. Soil washing, with secondary treatment of residual soils, was considered for a portion of the contaminated soils on the site [URS Company 2000a:2-2].

I will discuss the clean-up plans, including the proposed construction of a golf course cum toxic contaminant containment facility, in the next chapter.

For now, it is enough to know that the interim actions taken with regard to removal of soils "cleaned up the approximately 205-acre portion of the site located north of Sequalitchew

Creek (Parcel 2) to industrial cleanup and/or site-specific remediation levels, which was the past and planned land use for this area" (URS Company 2000a:2-3). While the "MTCA includes an exemption from local government permits and approval processes for remedial actions performed under a consent decree, order, or agreed order," the DOE "determined that the remedial action may result in probable significant adverse impacts to several elements of the environment and, therefore, determined an EIS was required" (URS Company 2000a:2-3). Unfortunately for sqʷaliʔabs/Nisqually peoples, their dear ancestors, and vast portions of the sentient sčəgʷaliču/Sequalitchew ancestral village landscape and its places of sustenance and power, the "interim clean-up actions" took place *prior* to this determination being made by the DOE, potentially allowing for the unmonitored devastation and looting and desecration of any ancestral sqʷaliʔabs/Nisqually gravesites, cultural sites, and historic sites, and the widespread defilement of places of power within these "remediated" areas. While we have no way of knowing the extent of these acts of Settler colonial structural genocide and ecocide prior to documentation after 2000, we can be fairly certain that they occurred, judging from the scores and scores of recorded sites within the surrounding landscape.

One person intimately involved in these remediation efforts was Rodney Proctor, who served as "the Washington State Area Environmental Manager for Weyerhaeuser Company" from 1988-1997, acting "as the primary interface with state agencies and helped develop Company environmental strategies" (Proctor 2005:5). In a 2005 report that appears to have been written in partial satisfaction of Masters of Urban Planning program requirements at the University of Washington, Proctor "describes an environmental remediation project that has taken much longer than anticipated to accomplish. The study examines some of the key issues that were factors in the project's delays," said project being the remediation of contamination on

the former DuPont Powder Works site and "issues" meaning Tribal resistance to the destruction of gravesites and sites of cultural, historical, and spiritual significance (Proctor 2005:3). Proctor provides a slightly different version of the story that that given above in the extensive excerpt from URS Company (2000).

In Proctor's version, he at times provides information regarding the distinctions between Parcel 1 and Parcel 2 that is incorrect. While his maps and figures have the parcels labeled correctly, with Parcel 2 (the parcel that was remediated *first*) being shown as the parcel north of the creek for which a certain plan of action was articulated, as discussed below. At several points within his text, however, Proctor states that "The Consent Decree separated the site into Parcels 1 and 2. Parcel 1 (approximately 205 acres) had minor levels of contamination. Cleanup of Parcel 1 occurred during the interim source removal action phase. The Parcel 1 cleanup was approved in 1997 and now that portion of Northwest Landing is being used for industrial developments" (Proctor 2005:5-9). More than a mere misnumbering, the confusion of the parcels with one another in Proctor's text can lead any researcher drawing from his work who is not intimately familiar with the site down the wrong path in their search for documents pertaining to each parcel, and the level (or lack) of compliance with state and federal law. Parcel 2, which is Proctor's Parcel 1, was vastly more contaminated than Parcel 1, which is Proctor's Parcel 2.

As Janet Creighton had done before him, Proctor provides an accounting of the 1989 reburial ceremony:

> The Tribe leaders stated "the Nisqually feel that this shows the respect the Weyerhaeuser people have for us and now we in turn now have for them. May this relationship continue to grow in Strength, Peace, Harmony and most of all Trust." The Tribe further stated that the *other reasons* it was conducting the ceremony was [sic] to ask the Great Spirit for forgiveness of the disturbance and to bless their brother and sister on their journey to the

> other side. They also wanted to bless the new ground in which their ancestors were now resting (Nisqually Tribe 1989a) [Proctor 2005:9; emphasis added].[113]

Proctor's text implies that asking for forgiveness for these desecrations and trying to navigate new ways of relating with disturbed ancestors were lesser considerations for sqʷaliʔabs/Nisqually peoples than the primary aim of maintaining relationships of "Strength, Peace, Harmony, and most of all Trust" with the Weyerhaeuser Corporation, its subsidiaries, and its partners in these crimes against sqʷaliʔabs/Nisqually ancestors and living descendants.

As the draft studies pertaining to contamination were being completed, the City of DuPont issued its 1994 Draft CMP. Andrews and Swint (1994) provide a glimpse of some of the provisions under consideration in the 1994 Draft, including a redesignation of the "urban window" at the mouth of the creek as "conservancy," and the preservation of the creek "as a natural open space, with a trail along the north side" (Andrews and Swint 1994:27). In regard to the trail, Andrews and Swint assert that while it would provide access to the dock and the shores of the Sound, there were no footpaths to the creek itself, leaving people to reach the creek through "a process of sliding and bushwacking, leaving a wake of impact" that would become incalculably worse with the arrival of 15,000 new residents (Andrews and Swint 1994:27). Andrews and Swint further note that in the 1994 Draft Plan, "A look at the map of DuPont's future shows the Creek and Edmonds Marsh as splotches of green" (Andrews and Swint 1994:27). While the 1985 Comprehensive Plan had mandated 200-foot buffers along the Creek banks, and while "the 1994 Plan shows 'sensitive area' designations around Sequalitchew Creek and Edmond marsh, it does not state fixed buffer zones, possibly because the Creek is no longer listed under the Shoreline Management Act" (Andrews and Swint 1994:27). Interestingly in light of negotiations between the Tribe and Lone Star:

[113] Proctor's in-text citation for this information, "Nisqually Tribe 1989a," does not correlate with any of his bibliographic entries.

> In April of 1994, the DuPont City Council passed a resolution to restore the flow of the Creek, and that resolution was continued in the 1994 DuPont Master Plan. It states that the city would "…work with Fort Lewis to reestablish pre-development flows in Sequalitchew Creek." The effect that this restoration would have on the diversity and character of the Creek is enormous. With consistent flow, it is even possible that the Creek's historical salmon run might be restored [Andrews and Swint 1994:28].

In their brief 1994 report, coincidentally arising in part, like my own work, from an earlier version written for a class at the Evergreen State College, Andrews and Swint provide a wealth of information crucial to understanding recent developments regarding the mine, as will be discussed in Chapter 9 of this work.

Nisqually Tribal Historian Cecilia Carpenter wrote to the DuPont City Council on August 1, 1994 to the DuPont City Council regarding the City's 1994 Draft CMP, stating that:

> The area that Weyerhaeuser Real Estate Company is developing contains many of our Indian archaeological sites. During the past 18 years our tribal people and the WeyCo [sic] people have coordinated efforts to locate and identify these sites. Because we discourage public announcements about these places, I am afraid that your City Council may not be aware of the extent of these sites as well as the seriousness of protecting them [Carpenter letter to DuPont City Council, August 1, 1994, document in possession of salaʔtuƀkʷ Leonard Squally].

In regard to the proposal contained within the 1994 Draft Plan for the construction of a trail along the Creek to the Sound, Carpenter stated in her letter that one of the concerns of the Tribe pertains to "public access to the Sequalitchew Creek corridor to the beach and old dock. This *must not be allowed* to happen at this time. There are archaeological sites in the beach area. At the present time we are in the process of deciding as to the action to take in identifying and preserving these sites" (Carpenter letter to DuPont City Council, August 1, 1994, document in possession of salaʔtuƀkʷ Leonard Squally; emphasis added). Carpenter notes that the City Council should address all correspondence to Tribal Chairman Dorian Sanchez who, along with the Tribe's Historical Committee, is also cc'd on the letter. Among the "archaeological sites in the beach area" to which Carpenter refers is 45-PI-76 Sequalitchew Grave Site which, more than

a single grave site, is an extensive and Settler-documented sqʷaliʔabs/Nisqually ancestral burial ground. Shortly over one month later on September 8, 1994, Tribal Chairman Dorian Sanchez wrote to J.J. McCament of WRECO and Rob Whitlam of the State Office of Archaeology and Historic Preservation [OAHP] regarding the fact that:

> two items of human remains were found yesterday by a tribal staff member of our archival department on the beach near a traditional Nisqually burial ground […] Dr. Richard Daugherty has confirmed that these items are human remains. This site has been under surveillance since September of 1993, when our tribe was notified that several blue trading beads had been found on the beach […] Upon inspecting the site where the beads had been found, and upon finding many more beads, it was determined that these were grave goods washing out from the ballast under the double-track railroad that runs along the edge of the bluff along the beach […] [W]hen the railroad was built in 1912 a 200 foot strip of earth *containing a portion of the burial site* had been cut off and in all likelihood had been used as ballast for the railroad below as well as to fill in the cove at the confluence of the creek to raise that area high enough for traintracks […] Thus a periodical surveillance has been conducted through this past year with more beads being found and culminated yesterday with the finding of human remains. At this time we have several concerns. The area must be secured and protected until the proper decisions are made as to the direction we must take [Sanchez letter to McCament and Whitlam, September 8, 1994, document in possession of salətˀuɬkʷ Leonard Squally; emphasis added].

Janet Creighton provides a slightly different version of this series of events. She correctly asserts that "The discovery of the beads and the bone caused considerable concern for some members of the tribe. The Nisquallies [sic] suspected that either the beach had been used as a burial locality or that grave goods had washed down from the cliff above" (Creighton 2004:154).

Contrary to Sanchez' statement regarding periodic surveillance, however, Creighton asserts that "WRECO decided that an archaeological test excavation should be conducted on the beach where the human remains and the beads had been found," and that excavations were completed by early 1995 (Creighton 2004:155). "The crew discovered massive amounts of construction debris, corrugated metal, timbers, bricks, and other material underlying the entire area," and while it was obvious that there was disturbance within this landscape, archaeologists

can take a lesson from their colleague Gary Wessen who in 2003 inadvertently discovered the intact remains of a tuwaduq/Skokomish ancestor in an area where it was thought that the extent of disturbance would make such a thing an impossibility (Creighton 2004:155; sm3tcoom Delbert Miller, personal communication 2005; 2012). Creighton continues with her version:

> In the search at the north end of the berm, where a human bone fragment had been found earlier, a small bone containing a single molar tooth and a dozen faceted blue glass trade-beads were recovered in the same vicinity. Although gravels over an extensive area were screened, these were the only materials found. It was determined that no human and cultural materials from the Sequalitchew Grave Site had been dumped on the bank during railroad construction [Creighton 2004:155].

The determination regarding the origin of the beads and ancestral human remains was made by Daugherty in his 1995 report on these excavations. The determination was that it was *unlikely* that these materials had been dumped on the beach during railroad construction. Creighton would know this fact because, once again, she undertook the analysis of beads for Daugherty's report, prepared on behalf of her husband's corporation. Creighton and Daugherty both propose that "the beads and the human remains had been placed there recently, probably within the past two years. Why and by whom remains a mystery" (Creighton 2004:156). Daugherty and Creighton had determined that the remains had *nothing to do* with the *documented burial ground sitting directly above the site*.

On December 25, 1994, a Settlement Agreement pertaining to the Lone Star Northwest DuPont Project was signed by the following parties: The State DOE, the City of DuPont, Lone Star, WRECO, the Nisqually Delta Association, the Black Hills Environmental Council, the National Audubon Society, People for Puget Sound, the Tahoma Audubon Society, the Seattle Audubon Society, and the Anderson Island Quality of Life Committee (Settlement Agreement 1994). The 1994 Settlement Agreement is hailed as a great, but surprising, victory achieved by Settler environmentalists. In fact, "When the settlement finally went public, many

environmentalists were shocked that Lone Star would agree to move its facility," indicating that they had no knowledge of the agreement between Lone Star and the Tribe (Fogel 2011). The non-governmental and non-corporate signatories to this Settlement Agreement nonetheless legally bound themselves to providing unqualified support for the project, as well as being saddled with the responsibility of proposing "programmatic actions to implement a new vision for the DuPont shoreline. That vision would serve both public and private interests by protecting the environment and providing a location for water shipment of the aggregate resource found in DuPont" (Settlement Agreement 1994:3).

Lone Star promised to build the dock at Tatsolo Point so long as the revised project received the necessary permits and the interrelated comprehensive and master plans were also approved. "The non-governmental parties to this Agreement agree to use their best efforts to obtain all programmatic and project-specific approvals necessary to implement this Settlement Agreement" through the provision of letters of support for the project and by agreeing not to challenge any of the necessary approvals. Numerous amendments to various plans would be required, including the amendment of the City's SMP to establish the "Tatsolo Point Special Management Unit" on the shoreline which would permit extractive industry and barge transshipments within a stone's throw of the NNWR. Before any environmental compliance studies were finalized, and before any permits were approved, "The parties agree that limited surface mining and the processing plant construction can commence at Lone Star's option after the execution of this Agreement," so long as they mined less than 20% of the annual amount designated in their proposal (Settlement Agreement 1994:9).

The governmental parties agreed to consider all recommendations made by the non-governmental parties in good faith, which means absolutely nothing. The governmental parties

also agreed to collude with one another on permit processing with the creation of a "Task Force**"** consisting of members from DOE, the Department of Natural Resources [DNR], the Washington Department of Wildlife and Fisheries, and any other agency deemed relevant by the DOE in order to *streamline the review process* and avoid pesky delays. WRECO agreed to donate lands for "public trail access along the existing narrow gauge rail on the north side of Sequalitchew Creek to the Puget Sound Shoreline in the vicinity of the existing dock," exactly where the Tribe did not want people "recreating." WRECO also agreed to a buffer on Hoffman Hill "to protect bluff stability, as well as to mitigate impacts from Hoffman Hill residential development on bluff habitat and its wildlife, and the resources associated with the viewshed from Nisqually National Wildlife Refuge" (Settlement Agreement 1994:17-18). The most meaningful and environmentally sound provision of the 1994 Settlement Agreement, in my opinion, is the following:

> The permits obtained by Lone Star do not provide for any mining within 200 feet of Puget Sound or Sequalitchew Creek. WRECO and Lone Star agree to seek no permits in the future to mine within the shoreline jurisdiction as defined by RCW Chapter 90.58, or within 100 feet of the top of the bank of Sequalitchew Creek, as shown in Exhibit J, or in a manner that would significantly impact the flow of Sequalitchew Creek [Settlement Agreement 1994:21-22].

The parties also agreed to a change in the shoreline designation for the mouth of Sequalitchew Creek as a conservancy environment. The creek itself, however, was still considered exempt from SMA regulation, because it was no longer being classified as a shoreline.

The stipulations and mitigations contained in the agreement are binding, and provisions for dispute resolution included submitting the dispute to an "agreed upon mediator for mediation first, and if that does not resolve the issue, then the parties may submit the dispute to binding arbitration or pursue any other remedies available by law" (Settlement Agreement 1994:27). The City accepted a $1 million payment in addition to reimbursement for project review and

permitting costs, and the non-governmental parties agreed to Lone Star and WRECO making "a grant to an Environmental Mitigation Trust" to acquire property in the Nisqually Delta (Settlement Agreement 1994:23). Speaking of Lone Star, they were no longer Lone Star. Before a month had passed since the signing of the Settlement Agreement, Lone Star changed its name. In fact, it wasn't even Lone Star when it signed the Agreement. "Northwest Aggregates Co., which changed its name in July 1993 from Oregon City Leasing Company, is the successor to Lone Star Northwest under an 'Assignment, Assumption, and Amendment of Lease' dated April 30, 1991" (Replacement Memorandum of Lease, January 23, 1995, Pierce County Auditor Recoding Number 9501230126). Let the name games begin.

Lest we forget about the remediation of toxins left behind by the DuPont Company, in March of 1995:

> Weyerhaeuser Company applied to the City of DuPont for a conditional land use permit for construction of a golf course, which was an element of the soil remediation. The City of DuPont did a SEPA evaluation of the proposal and made a determination of significance that required the completion of an EIS. The consulting firm of Huckell/Weinman and Associates was hired by the City to draft the EIS. The EIS was to address both land use impacts associated with construction of a golf course and remediation of lead- and arsenic-contaminated soils. Weyerhaeuser and DuPont companies, the project proponents, requested that Ecology become co-lead agency with the City of DuPont because of the cleanup component in the EIS. Ecology and the City of DuPont made an agreement to share the lead agency role and to each focus on their respective issues [URS Company 2000a:2-3; DOE and City of DuPont 1995].

It didn't matter that none of the required final remedial investigation, risk assessment, and feasibility studies had been completed. Never mind that the DEIS pertaining to clean-up had not even entered the scoping process. *Weyerhaeuser saw golf in DuPont's future* and the golf course was planned as part of the "containment facility" for toxins in the middle of one of the most historically significant, and ecologically, culturally, and spiritually sensitive landscapes in the region.

With all of this rich history, beautiful scenery, and a brand new golf course—who could resist lining up to be one of the 15,000 lucky people who were expected to come to call DuPont their home town? And lining up they would be, unless a new highway interchange providing access to the center of town was built:

> In a 1995 Final Supplemental Environmental Impact Statement for its Comprehensive Plan, DuPont considered the environmental impacts of this increased growth pursuant to Washington's Growth Management Act, RCW ch. 36.70A. To accommodate this increased traffic, the Washington State Department of Transportation ("WSDOT") prepared a Freeway Access Report in October 1995 describing a new highway interchange—the "South DuPont interchange"—at milepost 118 on Interstate 5 ("I-5") between Seattle and Tacoma [*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)].

As good fortune with have it for the City of DuPont, "In the spring of 1995, Intel, the world's largest manufacturer of microprocessors, announced that Weyerhaeuser's Northwest Landing site at DuPont was on its short list of new plant locations" (Veninga 2004:473). Not only was the new highway interchange going to be convenient for future residents and future overland gravel shipments, it seems that:

> Before Intel would agree to locate at Northwest Landing it asked the Department of Transportation (DOT) to deliver the freeway interchange, which Intel claimed was essential to their operations (and required by growth management laws) within 18 months. The normal timeline for such a project is five years, but because the state was eager to have Intel's jobs and since the state considered the interchange a "make or break deal," the DOT *compressed the time required* and presented Intel with a 38-month time frame. Intel rejected that bid and threatened to find another site, arguing that in its business such time delays could set Intel back an entire "generation." But, according to a DOT report, the state was prepared to woo the high-tech giant: "[o]nce the goal was established—build an interchange in record time and bring an estimated 6,000 new jobs to the state—work to negotiate and implement an acceptable schedule took off in high gear" (Washington State Department of Transportation, 1997, p.4). A week after Intel rejected the 38-month timeline the State came back with a reduced time line of just 28 months; shortly thereafter, Intel publicly announced its decision to locate at Northwest Landing [Veninga 2004:474; emphasis added].

It was on September 15, 1995, that Intel made its official announcement regarding its decision to locate within the ancestral village landscape of sčəgʷaliču/Sequalitchew, planning to bring a toxic manufacturing facility to lands scheduled for decontamination.

The United States Department of Transportation [DOT] had decided that 28 months was plenty of time in which to undertake all of the necessary environmental and cultural resource compliance work, as well as actually completing the:

> two-stage "fully directional interchange" construction project. Stage 1 involved construction of a new interchange at milepost 118 to allow access from I-5 to the main road serving Weyerhaeuser's Northwest Landing Development in DuPont. Stage 2, unfunded and not concretely defined, is generally described as the "ultimate interchange" that would upgrade the new Stage 1 interchange, reroute additional connectors and reconstruct an existing interchange adjacent to the new South DuPont interchange, and provide a new gated access to Fort Lewis [*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)].

It was in fact rather convenient for developers that after the preparation of numerous studies "to assess the environmental impacts of the proposed project, including a report on the Fort Lewis landfill, an air quality report, a cultural resource survey, and a biological assessment for bald eagles and marbled murrelets," not a single "study suggested any significant environmental impact from the proposed project" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)). In regard to federal permitting requirements, in December of 1995, the Federal Highway Administration [FHWA] "granted preliminary approval for the new interchange, subject to the state's compliance with applicable federal requirements including the FHWA's environmental review of the effects of the proposed project" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)).

I will return to a discussion of the highway interchange below, but as federally mandated environmental review of the highway interchange got underway, the Draft and Final Supplemental EISs [SEISs] for the *Pioneer Aggregates Barge Loading Facility and DuPont*

*Shoreline Master Program Amendment* were drafted and released by the City of DuPont and DOE. "A supplemental environmental impact statement adds to or supplements the information or analysis contained in previous environmental documents in response to changes in a proposal (WAC 197-11-405(4)). It does not repeat the analysis contained in the prior document" (DOE and City of DuPont 1995:Summary 5). The Draft SEIS [DSEIS] for the gravel mine and barge facility was issued in May of 1995 and released for comment. The Final SEIS [FSEIS] was issued on August 1, 1995. The City of DuPont and DOE's 1995 Final SEIS was crafted in response to the 1994 Settlement Agreement and analyzed a number of programmatic and project components of the new proposed action:

> The programmatic action is a revision to the City of DuPont Shoreline Master Program to incorporate policies, use regulations and development standards for the 'Tatsolo Point Special Management Unit' in the Tatsolo Point area. The Tatsolo Point Special Management Unit would permit construction and operation of dock [sic] for barge loading and shipment of aggregates. The current Urban shoreline environment, on either side of the existing dock north of Sequalitchew Creek, would be changed to Conservancy. Two options for size and configuration of the Tatsolo Point Special Management Unit have been identified. The project actions involve revision of the existing site plan and shoreline applications to reflect construction and operation of a dock for loading and shipping aggregate at the Tatsolo Point area. A conveyor would be constructed from the processing plant, down the bluff and to the dock in Puget Sound. An access road for maintenance vehicles would also be constructed [DOE and City of DuPont 1995:i].

The Tatsolo Point Special Management Unit [TPSMU] policies and regulations "are described in the Draft SEIS and presented in Appendix B of the Draft SEIS," which, as noted previously, I have not been able to locate (DOE and City of DuPont 1995:35). "Briefly summarized, the TPSMU would permit outright a relatively small number of activities and facilities related to passive recreation and associated facilities […], fish and wildlife resource enhancement and research, roads and railroads […], and utilities. Conditional uses are somewhat broader" (DOE and City of DuPont 1995:35). These "conditional uses," regulated through permitting, include

the construction of the barge loading facility or one like it, shoreline-dependent commercial and industrial facilities, maintenance dredging, "and industrial facilities with less adverse environmental impacts than a sand and gravel barge transshipment facility" (DOE and City of DuPont 1995:35). The same exact terrestrial project, with a change in the location of the dock of one and one quarter miles northward along the shoreline. The change in location, however, meant that an *additional* structure would be built, rather than the old DuPont Powder Works dock being modified. Further industrial exploitation of the shoreline, and dredging of Puget Sound, was potentially to be allowed in this "special" management unit.

While the City's 1985 Comprehensive Plan called for 200-foot buffers along the banks of sčəgʷaliču/Sequalitchew Creek, the termination of the Creek's shoreline status, and the City's declaration of the Creek as a "sensitive area" now mandated that the buffers were to be 100 feet. Buffers along Puget Sound were reduced to 65 feet. The City's 1995 Draft Comprehensive Plan, which I have been unable to locate along with the missing Final Plan:

> designates Mineral Resource lands of long term significance and provides for their on-going economic benefit, as required under the state Growth Management Act […] It recognizes that the sand and gravel in the Industrial Area is particularly suitable for extraction and commercial use, and therefore designates the Weyerhaeuser Lease Area as a Mineral Resource overlay zone […] The City's Draft Plan designates the proposed site as industrial, and affirms that land zoned for industrial use north of Sequalitchew Creek represents an economic resource for DuPont. The proposal is consistent with identified Industrial Development land use policies of the 1995 Draft Plan, including the following: […] Promote environmentally sensitive industrial development as an integral element in establishing a balanced community […] Encourage a range of types of industrial uses in an effort to diversify the economic base of the City […] Establish performance standards that promote the development of "clean" industrial uses within DuPont […] Establish a Mineral Resource designation as an overly to the land use categories established for the industrial lands north of Center Drive and Sequalitchew Creek [DOE and City of DuPont 1995: Appendix A, LSND Revised Site Plan Section 4:1].

It is important to always have in mind, from this point forward through the rest of the story, that:

> The interconnection between surface and groundwater is apparent in this watershed. Increased demands for ground water probably have reduced low flows in the streams.

> Increases in impervious surface areas from expanding urbanization have reduced ground-water recharge and have contributed to reduction of low flows in the drainage basin. The effects of increased demand and reduced ground-water recharge will have even greater consequences during an extended period of below-average precipitation [WDE, SRO, WRP, et al. 1995:1].

Lone Star would be mining well within the depth of this delicate shallow groundwater system. The 1995 SEIS analyzes only changes made to the original proposal, and while a number of impacts to animals, plants, and the land itself are addressed and dismissed, cultural resources are glaringly absent from their analysis. Buried within an appendix, however, within Lone Star's Revised Site Plan, is the following: "In the event that unknown cultural resources are inadvertently unearthed during construction or operations, work would cease in the particular area until professional cultural resources consultants evaluated the significance of the resource. Significant cultural resources would be excavated and preserved" (DOE and City of DuPont 1995: Appendix A, LSND Revised Site Plan Section 4:8).

The environmental stewardship philosophy embraced within the proposal must have sat well with the DuPont City Council because after less than two months of review, on September 26, 1995, the City Enacted Ordinance 95-521: "An Ordinance Approving the Application of Lone Star Northwest Inc. for Shoreline Permits, Master Program Amendment, Site Plan Approval and Sensitive Area Ordinance Exception for the Pioneer Aggregates Tatsolo Point Barge Transshipment Proposal." The City added a few additional stipulations to the permits through this ordinance which, because it proposed amendments to the City's SMP, was subject to the DOE's approval. As DOE was a co-author of the FEIS and SEIS, approval was assured. Lone Star commenced mining in 1997.

Fortunately for the City of DuPont's plans for industrial exploitation of the sčəg$^{w}$aliču/Sequalitchew village ancestral landscape, not all of the lands north of the Creek had

been slated for mining. In 1996, the DOE had approved a Cleanup Action Plan [CAP] for Parcel 2 that provided for no further remediation activities with the exception of institutional controls to maintain the industrial use of this portion of the property (Pioneer Technologies Corporation [PTC] 2003). The primary action encompassed within the CAP was the:

> Establishment of Institutional Controls (environmental protection easement and deed restriction) in affected areas to prevent uses of the real property other than traditional industrial uses, such as processing or manufacturing of materials, marine terminals and transportation areas and facilities, fabrication, assembly, treatment or distribution of manufactured products, or storage of bulk materials and other uses permitted on industrial properties by the MTCA [Declaration of Restrictive Covenant 1997, Pierce County Auditor Recording No. 9712230865].

What this means is that Parcel 2 had not been remediated well enough to allow families to raise their children on, but plenty well enough to allow *further* industrial exploitation and poisoning. These "controls" pertained to lands at the convergence of Sections 23, 24, 25, and 26 in Township 19 N, Range 1 E W.M.. A Restrictive Covenant was appended to the deed to these lands on December 4, 1995 mandating that the property be used only for approved industrial purposes, that the restrictions would remain in place until such time as the property owner received permission from DOE to have them removed, and that "any activity in the Cleanup areas, such as disturbing the soils may involve further legal obligations" (Declaration of Restrictive Covenant 1995, Pierce County Auditor Recording No. 9601090365).

Something that no one who was part of the remediation team leaving "acceptable" levels of toxic contamination, including the DOE, seemed to consider was that fact that the entire area was noted in May of 1995 as having "been designated by the EPA as part of a Sole Source Aquifer System. This designation is provided to areas in which groundwater has been identified as serving large populations" (WDE, SRO, WRP, et al. 1995:1).[114] In 1995, before the influx of

[114] This is the only watershed-level assessment of the waters within the Chamber-Clover Creek watershed that I have been able to locate.

new residents into DuPont and the commencement of mining operations, there were over 169,000 people dependent "on the Chambers-Clover Creek aquifer as their only source of drinking water" (WDE, SRO, WRP, et al. 1995:1-2). What did it matter if, "The National Groundwater Association has classified the uppermost aquifer within the system as either moderately or highly vulnerable to contamination because of the extremely well-drained soils that are common throughout the area" (WDE, SRO, WRP et al. 1995:2)?

The beings and powers living within the sčəgʷaliču/Sequalitchew ancestral landscape, and the ancestors whose final resting places are cradled within it, again came under siege when:

> In April 1996, the FHWA, the Department of Transportation, and WSDOT released a joint environmental document for the "Interstate 5 South DuPont Interchange." The agencies concluded that the project would not cause significant environmental impacts and satisfied the criteria for a "documented categorical exclusion" under NEPA, and a Determination of Nonsignificance under Washington's State Environmental Policy Act ("SEPA"), RCW 43.21C. These determinations enabled highway construction to begin without further environmental review [*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)].

The federal nexus on the project arose because the FHWA "must approve any new points of access to or exits from the interstate highway system" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)). The involvement of the FHWA triggered compliance with a number of federal laws, including NEPA and NHPA. Under NEPA, construction could not begin until the FHWA did one of three things: undertook an EA and issued a Finding of No Significant Impact [FONSI]; completed the entire EIS process and issued an FEIS; or classified the project as a categorical exclusion and therefore subject to no further review (23 C.F.R sec. 771.113). As stated above in the *West* excerpt, the FHWA determined that the project was a "documented categorical exclusion" and exempt from further review.

A categorical exclusion can be applied to a "category of actions which do not individually or cumulatively have a significant effect on the human environment and which have

been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations" (40 C.F.R. sec. 1508.4). The Council on Environmental Quality [CEQ] regulations developed under NEPA stipulate that each federal agency "develops criteria to determine the appropriate level of environmental review for different types of actions" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)). Under the NEPA criteria developed by the FHWA:

> a categorical exclusion may be used for actions that "do not involve significant environmental impacts" and do not induce significant impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; or do not otherwise, either individually or cumulatively, have any significant environmental impacts [*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)].

Under the FHWA NEPA regulations, there are two types of categorical exclusions provided for: "First, the regulations list twenty actions that meet the criteria for a categorical exclusion and generally do not require further NEPA documentation" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)). The other type is called a documented categorical exclusion [DCE] which is available for projects which comply with the broad definition of a categorical exclusion as defines above, but the applicant "submits documentation demonstrating compliance with the categorical exclusion criteria" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)).

The FHWA declared that the project was exempt from review as a DCE as a type of project that could be classified as "'Approvals for changes in access control,' 23 C.F.R. § 771.117(d)(7), because the FHWA was required to approve the new interchange in advance of construction" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)). The term "approval for changes in access control" is not defined in the FHWA NEPA regulations, but

examples of such projects include the resurfacing or restoration of highways and the installation of traffic signals at on-ramps (23 C.F.R. sec. 771.117(c)). However, "None of the examples listed in the DCE regulations approaches the magnitude of this project—an entirely new, $18.6 million, four-lane, "fully-directional" interchange constructed over a former Superfund site and requiring 500,000 cubic yards of fill material, 30,000 tons of crushed surfacing, and 32,000 tons of asphalt concrete pavement" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)).

> There's supposed to be $19 million tied up in that. I don't know where it went. That's when they found that big burial ground. You know the white man, they're supposed to be so smart. Supposed to be so goddamn smart. In their reports this village out here's been here for a long, long time. Lots of people. Lots of longhouses. You got that many people, they gotta be buried there. They're so goddam stupid. [points to "historical" sign] Yeah. Then they put that kinda shit up. Like that. And the white man wasn't even here yet [salətʼuṗkʼ Leonard Squally, personal communication 2010].

This region of the ancient and sentient ancestral village landscape of sčəgʷalicu/Sequalitchew, home to countless generations of sqʷaliʔabs/Nisqually peoples who lived, crossed over, and were laid to rest in this rare prairie landscape laced with ecologically delicate and spiritually powerful kettle lakes, sharing nearshore and upland environments with the Nisqually National Wildlife Refuge just to the southwest, was deemed unworthy of environmental and cultural resources review.

Not even the plans to construct the interchange on top of a "former" *Superfund* site were enough to trigger some sort of consideration of environmental impacts. This Superfund site was not the DuPont Powder Works property, but the Fort Lewis Landfill Number 5, "located adjacent to the northeastern portion of the City of Dupont [sic]" (EPA 1992:5). It seems that in an apocalyptic gesture of gratitude to the citizens of Pierce County for the gift of lands arising from the illegal condemnation of the majority of the Nisqually Reservation and the "legal"

condemnation contiguous lands in 1917, the Army had been poisoning the lands, waters, and living beings and powers of the sčəgʷwaliču/Sequalitchew village ancestral landscape:

> Laboratory analysis of the water samples provided data on the presence of inorganic and organic contaminants in the groundwater. Of the inorganic compounds measured, only iron, manganese, chloride and, perhaps, barium appear to be related to the landfill. Several volatile organic compounds (vinyl chloride; chloroethane; 1,1-DCA; 1,2-DCE; 1,2-DCA; TCE; PCE; 1,1,2,2,-PCA; benzene; toluene; ethylbenzene and xylenes) and base/neutral and acid-extractable (BNA) organic compounds (naphthalene; diethylphthalate, bis(2-ethylhexyl)phthalate; 4-methyl phenol; 1,4-dichlorobenzene; acenaphthene and di-n-octyl phthalate) were detected in monitoring wells primarily near the downgradient edge of the landfill [EPA 1992:10].

The EPA determined that, in spite of the lack of any sort of remediation effort undertaken by the Army aside from closing and covering the landfill, the results of the risk assessment undertaken in relation to the site had determined that "exposures to groundwater, air, and sediments near the landfill are *not likely* to have adverse effects on public health" (EPA 1992:16; emphasis added).

Additionally, the EPA's Remedial Investigation had "demonstrated that Sequalitchew Lake, Hamer Marsh, McKay Marsh, Edmond Marsh, Sequalitchew Creek and the springs along Sequalitchew Creek are not hydraulically downgradient of the landfill; consequently, these water bodies are not affected by the groundwater plume emanating from the landfill" (EPA 1992:16). However, within the same EPA Record of Decision it states that:

> Two distinct groundwater flow systems have been identified in the local study area; a shallow unconfined flow system in the Vashon Drift Aquifer and a deeper confined flow system in the Salmon Springs Aquifer (see Figure 8). Aquifers deeper than the Salmon Springs Aquifer are not believed to have been affected by landfill activities. The Vashon Drift and Salmon Springs flow systems are interconnected due to leakage from the shallow system downward through the less permeable Kitsap Aquitard. Estimated groundwater travel time through the Kitsap Aquitard is about 6 years. Groundwater in the shallow Vashon Drift Aquifer flows west and northwest at a rate of approximately 18 - 330 feet/year. Groundwater in the underlying Salmon Springs Aquifer flows toward the northwest at a rate of approximately 0.5 to 1300 feet/year. The Vashon Drift and Salmon Springs Aquifers are replaced by the Sequalitchew Delta Aquifer about 3,000 feet west of the landfill (see Figure 8). The water table within the Sequalitchew Delta Aquifer is at about 10 feet above mean sea level (MSL), which is much deeper than the water table in the Vashon Drift Aquifer (approximately 185 feet MSL). Groundwater in the

> Sequalitchew Delta aquifer flows toward Puget Sound at a rate of approximately 4,000 to 37,000 feet/year. Recharge to the water table flow system in the study area comes primarily from precipitation and lateral flow within the Vashon Drift Aquifer. Upon entering the water table aquifer, groundwater flows to the west and northwest, while a small amount moves vertically downward through the Kitsap Aquitard. At the edge of the Vashon Drift unit, the groundwater flows downward to the water table in the Sequalitchew Delta Aquifer, at a velocity of about 3 to 5 feet/day. Estimated travel time from the vicinity of the landfill through the water table aquifers to discharge as springs along Puget Sound is in the range of 25 to 100 years [EPA 1992:9].

The contaminated groundwater must flow *around* the interconnected waterbodies of the ancestral village landscape of sčəg$^{w}$alicu/Sequalitchew.

The Superfund site seemingly became a non-issue when the State Department of Transportation [WSDOT] "committed to clean up the affected portion of the landfill concurrently with the construction of the interchange" (*West v. Secretary of the Department of Transportation* No. 97-36118 (2000)). Recall that Weyerhaeuser had agreed to fund the interchange project. "Weyerhaeuser was able to finance this by obtaining tax-exempt bonds from the state. Because Weyerhaeuser is a private corporation, it is not able to get tax-exempt bonds, but the state allowed Weyerhaeuser to create a nonprofit entity, the 'Interstate 5 Improvement Association,' which was eligible for the tax exempt bonds" (Veninga 2004:475). Because the highway interchange demanded by Intel was funded by Weyerhaeuser's non-profit association, "several time consuming procedures were omitted and others were carried out simultaneously. For example, if this had been a publicly funded project the DOT would have been required to hold public design hearings; but since all concerned property owners agreed to the project, and because the impacts were judged to be minimal, the hearing was waived" (Veninga 2004:475).

The "concerned property owners" were WRECO, The United States via the Army, Burlington Northern, and the City of DuPont:

> In exchange for 47 feet of right-of-way, the town of DuPont granted the United States Army Corps of Engineers (COE), the landlord of Fort Lewis, an easement through

> DuPont to provide access to the Ft. Lewis golf course. In addition, the COE wanted a parcel of Department of Natural Resource (DNR) land that is entirely contained within the military reservation. Weyerhaeuser was able to finesse this deal to everyone's satisfaction: "[f]ortunately WERCO's [sic] parent company, Weyerhaeuser, is in the same basic business as DNR, and WERCO [sic] was able to help everyone achieve their primary goals" )Washington State Department of Transportation, 1997, p. 20). Burlington Northern (which had just merged with Santa Fe Railway) could have impeded the project's fast track, but the mutual business interests of WERCO [sic] and BNSF provided incentive for compromise: "[a] major factor in keeping BNSF at the table working toward timely solutions was the significant customer/supplier relationships between Weyerhaeuser and BNSF" (Washington Department of Transportation, 1997, p. 20). Reporting on the story, the *Seattle Times* quoted a Weyerhaeuser spokesperson as saying that the company funded the interchange in order to help "close the deal with Intel" (Lynch and Postman, 1998). The combined forces of Weyerhaeuser, state and local government agencies, the local utility corporation, and the Pierce County-Tacoma Development Board—the growth coalition—all worked together to land Intel and build the required infrastructure. [Veninga 2004:475].

The formation of the "Interstate 5 Improvement Association" was supported by DuPont city officials, who "had little choice but to approve the tax break […] after Intel announced plans to build there, and quoted City Councilman Ray Miller as saying, "[I]f they didn't get the break, they were going to walk" (Veninga 1004:475). It wasn't only Weyerhaeuser who received tax breaks. "[A] local administrator predicted that [the projected growth of DuPont] may generate a greater financial burden. For example, DuPont reduced Intel's B&O tax to save Intel $150,000-$412,000 per year […] This has raised concerns because growth in Northwest Landing has increased local management and infrastructure costs that have not been met by tax revenue" (Veninga 2004:475-476).

It was believed, however, that predicted economic growth due to Intel's decision to locate in DuPont "would be generated simply by Intel's presence due to agglomeration effects and the creation of spin-off companies. Joe McCann, dean of Pacific Lutheran's Business School, for example, declared Intel's possible move to Pierce County: "one of the most profound events I can imagine. The plant has the potential for being a catalyst to explode Pierce County as a

technological center" (Veninga 2004:473). Phase I of the interchange was built "in record time," thanks to the "growth coalition," private funding, and the fact that the project "was considered a high priority by state officials, including the governor and members of the legislature, the freeway project was moved to the top of the priority list" (Veninga 2004:474). It seems that Veninga (2004) has left out two additional federal partners: the FHWA and the federal district court. After the first phase of the interchange was completed, "Arthur West, an attorney from Olympia sued, claiming the project was not exempt from NEPA. District Court Judge Robert J. Bryan dismissed West's claims" and West immediately appealed (California Planning and Development Report 2000). These interlocking devastating projects would lead to the reconfiguration of vast portions of the sčəgʷaliču/Sequalitchew ancestral village landscape, which would eventually house one of the largest planned developments in the nation, home to the largest off-base military community in the region, the main supplier of sand and gravel for the State of Washington's own construction projects, and countless private residences, corporate offices, industrial facilities. salətʼuṗkʷ Leonard Squally was not about to let this happen without a fight.

**Chapter 8: "*I told 'em everything and they act like I make these things up*"**

As corporate and governmental entities conspired to destroy the remaining ecological and cultural integrity of the sčəgʷaliču/Sequalitchew village ancestral landscape, the sqʷaliʔabs/Nisqually Tribe was planning to restore prime salmon-rearing habitat within this same landscape within the eastern Delta under the parameters of the Red Salmon Slough Wetland Mitigation Project (Bordeau 1995). "The Nisqually Tribe proposes to breach a dike in this area to allow salt marsh to reestablish itself which would provide habitat for estuarine wildlife" (Bordeau 1995:2). In preparation for the eleven acre tidal wetland restoration project on the Braget Farm property (still owned at this time by Kenneth Braget), "A cultural resource inventory was conducted in compliance with the National Historic Preservation Act […] The investigation found no significant cultural resources in the project area," but noted the location of 45-PI-400, the longhouse of Sinnaywack identified by Kavanaugh in 1988, as being across the slough (Bordeau 1995:2). I have been unable to locate any project-specific documents pertaining to the mitigation effort, but later documents note that the project was successfully completed in 1996 (WDFW 2006).

The owner of the Braget Farm where the mitigation project was undertaken, Kenneth Braget, had just joined the battle to protect the Delta, filing suit against the City of DuPont, Weyerhaeuser, and Intel in late 1995:

> The lawsuit questions the legality of a decision made by the city of DuPont and accepted by Pierce County and the state to let Intel build while two environmental impact statements are being prepared on a new freeway exit at DuPont and the treatment of sewage generated by the new plant. Braget's attorney, Jeffrey Eustis, contends state laws were broken when DuPont agreed to let Intel proceed without knowing what the two environmental impact statements would say. Intel estimates the plant will generate 200,000 gallons of sewage a day and 18,000 vehicle trips. *At present, the Intel site and in fact all of Northwest Landing, the multi-use development being sold by the Weyerhaeuser Real Estate Co. is not connected to any sewage treatment plant.* County officials have assured DuPont and Intel the wastewater treatment plant owned and operated by Fort

> Lewis can handle Northwest Landing's sewage, temporarily or permanently. An environmental impact statement is being prepared to determine whether the Fort Lewis plant or another wastewater treatment plant should handle Northwest Landing sewage. Until the EIS is completed sometime next year, the Pierce County Utilities Department has contracted with Fort Lewis to handle Northwest Landing's sewage. Braget contends the Fort Lewis plant won't be able to accommodate Intel, and that much of its sewage will be dumped into Puget Sound at the Nisqually Reach, an area already containing dangerous levels of human waste bacteria [The Vancouver Columbian 1995; emphasis added].

Braget's attorneys contended that:

> two Intel representatives met secretly with DuPont Mayor Willard Shenkel and pairs of council members on July 26. In a letter to Intel 12 days later, according to the suit, Shenkel promised to "keep the Intel name confidential, meet the groundbreaking date and turnaround time schedule for building construction." The letter also guaranteed a special council meeting on the project and said Intel would be spared from paying school and park impact fees, Eustis wrote. "By Aug. 8, 1995, the mayor and council, without an application or building plans, without environmental review and without any definitive documentation of any kind, had agreed to issue approval for the Intel project," he wrote. One day after Intel submitted an environmental checklist, the mayor issued a "mitigated determination of nonsignificance," allowing construction without preparation of a full environmental impact statement. Eustis said also said the mayor acted without considering the effect of two related proposals, a hookup to a sewage treatment plant at Fort Lewis and construction of an interchange on Interstate 5. The only public hearing on the project was conducted by the town's Planning Commission on Oct. 11. The next day the panel recommended approval, and the town council acted Oct. 17 without taking further public comment, the suit said […] Lawyers for the two companies and the town were not available for comment on the latest allegations. In the past, they have defended the project and their decisions, or refused to comment on pending litigation […] Work already has begun at the 190-acre Intel site, including the pouring of a huge concrete foundation slab. The suit asks that approval for the project be overturned [The Vancouver Columbian 1996].

While I have been unable to access filings and trial transcripts for this case, *Kenneth Braget et al. v. City of DuPont et al.* (Pierce County Superior Court Civil Case 95-2-12362-2), the information that is available online from the Court is intriguing. On March 8, 1996, almost one year *prior* to the final decision being issued, Judge Waldo F. Stone issued a monetary judgment in the case, naming Ken Braget as the *debtor*, and the City of DuPont, Weyerhaeuser, and Intel as the creditors (*Kenneth Braget et al. v. City of DuPont et al.* Pierce County Superior Court Civil Case

96-9-02092-4). The judgment is listed by the Court as still being open and, as noted above, the case continued through litigation until March 4, 1997, when Judge Stone dismissed Braget's claim with prejudice.

Less than two months after Judge Stone entered the monetary judgment against Ken Braget, and long before the case was ultimately decided, the United States Army at Fort Lewis (now JBLM):

> offered to sell its 40-year-old sewage-treatment plant to Pierce County to handle the population boom expected in the village of Du Pont […] For years, Fort Lewis has insisted its sewage-treatment plant at Tatsolo Point next to DuPont was off-limits to civilian waste. But now, it has offered to sell the plant to the county. The county would run the plant, and the military would pay for sewer service. That would eliminate the need for a long pipeline, which pleases some residents who don't want to have to put up with the construction. The state Ecology Department also likes the idea. But members of the Nisqually Tribe and others say it would threaten the delta, the last unspoiled river reach in Puget Sound, where the tribe has labored to restore salmon and shellfish. The sewage from Northwest Landing would nearly double - to 11 million gallons a day - the waste water pumped into Puget Sound near the delta, tribal members say. Even though the water would be treated, it would add to the overall pollution in south Puget Sound, where tidal flushing is poor and the rich natural resources are especially vulnerable […] The tribe would rather see the Army plant shut down, and the sewage sent to the Chambers Creek plant - a more modern facility on the Tacoma Narrows, where swifter currents disperse the waste water [Seattle Times 1996].

Tribal fisheries manager Georgianna Kautz spoke with the Northwest Indian Fisheries Commission about the Tatsolo Point sewage treatment plant:

> "The Nisqually Tribe has worked hard to restore the salmon, steelhead, and other resources of the Nisqually River Basin," said Kautz. "And the public has made a substantial investment in the Nisqually National Wildlife Refuge at the river's mouth. There is also the issue of dollars and cents," she said. "Either plant would have to be upgraded and expanded to handle the increased sewage from Northwest Landing and Intel. The county says the cost would be similar for both options, but we think they have not accurately estimated the actual cost of upgrading and expanding the Tatsolo Point plant. Just because it is closer doesn't make it a better alternative. It would probably cost Pierce County taxpayers a lot more in the long run. We have a chance here to eliminate a significant source of pollution in the river's estuary and improve habitat for fish, shellfish, and other resources," Kautz said. "Opportunities like that don't come along very often" [Meyer 1996:8].

It seems that the Army's sewage treatment plant at Tatsolo Point "has a history of violating state and federal pollution laws" (Meyer 1996:8). While the plant had been upgraded in 1975, during periods of heavy rain, stormwater still flowed into the plant. Additionally, the plant's outfall pipe was "situated in shallow water close to shore where currents are too weak to disperse the treated—and occasionally untreated—wastewater flowing into Puget Sound and the fragile estuary at the mouth of the Nisqually River" (Meyer 1996:8).

The Nisqually Tribe were not the only people to speak out against the planned use of the Tatsolo Point sewage treatment plant:

> Other critics - including one of the Army plant's own operators - say it is outdated and often violates its own water-quality permit. The county could be taking on a white elephant, operator Ron Johnston told a recent public hearing. "Management wants to foist this decrepit plant and collection system onto the backs of Pierce County taxpayers," said Johnston, a civilian who has worked at the plant for 20 years. The Army faces a lawsuit over claims of illegal pollution from the plant. Ken Braget, a farmer who owns 400 acres of delta land, also has threatened to sue as part of his battle against development [Seattle Times 1996].

It seems that Ken Braget had not been deterred by being forced to pay the City and the two corporations. However, it didn't really seem to matter who objected to the project, or how many lawsuits had to be adjudicated because:

> Weyerhaeuser has agreed to pay about $20 million for the sewer hookup, with the costs passed on to Northwest Landing residents. All things being equal, the company would prefer using the Army plant, said J.J. McCament, Northwest Landing manager. The company needs a long-term solution within three years, she said. That's when a temporary arrangement to treat waste at the Army plant expires. The cost of using the Chambers Creek or the Tatsolo Point plants would be about the same, up to about $42.5 million. The more expensive pipeline to Chambers Creek would be matched by the cost of buying and improving the Army plant. The state Ecology Department, thinks buying the Army plant is the best alternative, said Darrel Anderson, the agency's regional sewage operator [Seattle Times 1996].

With the Department of Ecology as Weyerhaeuser's long-time supporter, the sewage treatment plant at Tatsolo was apparently destined to be determined as the most ecologically sound

alternative. Ecological health, Tribal treaty rights, eutrophication, and fecal coliform contamination be damned.

Prior to the dismissal of the case, and without any meaningful environmental or cultural resources review of the project, Intel commenced construction of a portion of its plant in late 1995. In Phase I of the project, Intel planned to build a box manufacturing facility consisting of five structures, utilities, landscaping, and a parking lot (Solimano et al. 1996). Phase II of the project included the construction of an additional box plant with attendant structures and parking areas.

> The entire project area encompasses approximately 184 acres, with a 30-foot tree and vegetation buffer along the project area perimeter. Planned construction in both phases includes clearing and grubbing, large-scale soil removal and grading, and trenching. An Off-Site Soil Storage location was also included in this cultural resource assessment to accommodate the large amount of soil that needed stockpiling during construction […] The Off-Site Soil Storage location is approximately 1/8 mile southwest of the main project area. Planned construction for this project was initially confined within the Phase I project area, but some limited grading and on-site soil storage took place in the southwest corner of the Phase II area [Solimano et al. 1996:3].

On December 1, 1995, archaeologist Lynn Larson wrote to J.J. McCament of WRECO to inform her that Larson's CRM firm, Larson Anthropological/Archaeological Services [LAAS], had been contracted by Intel to assess cultural resources within the project area. Larson stated that during monitoring of construction on November 30, 1995, LAAS staff observed a backhoe ripping through a site (Larson letter to McCament, December 1, 1995, document in possession of salətʼuṗkʷ Leonard Squally). Larson further noted that, "The location of the trench and nature of the cultural deposits suggests that the area may be within the boundaries of 45PI405, the 1843 Fort Nisqually Village. Regardless of whether the cultural deposits are associated with 45PI405, they may be significant and the area should not be disturbed prior to further evaluation" (Larson letter to McCament, December 1, 1995, document in possession of salətʼuṗkʷ Leonard Squally).

In March of 1996, LAAS issued a report, *Intel DuPont Campus Cultural Resource Assessment and Monitoring, Pierce County, Washington*, pertaining to their assessment and monitoring of Intel's construction. In this report, LAAS staff reviewed previous archaeological assessments undertaken within the project area by Daugherty and Welch's firm, Western Heritage, as well as Daugherty's previous firm, National Heritage:

> Several problems with the National/Western Heritage, Inc. investigations on the Weyerhaeuser Northwest Landing property challenged our ability to develop the history of cultural resource studies in the Intel DuPont Campus project area, including *inconsistent site locations, absent or incomplete reporting of pedestrian reconnaissance and shovel testing fieldwork, and failure to determine NRHP significance of cultural resources.* In some cases, a single historic archaeological site was *plotted in two locations on various maps* produced by Western Heritage, Inc. while the OAHP permanent map record has the *same site plotted in a third location.* During the course of Western Heritage Inc.'s investigations between 1988 and 1993, test excavations were conducted at several areas but *no reports* summarize the testing. In addition, the cultural resource management plan includes *no formal determinations of eligibility* for any of the cultural resources using National Register of Historic Places criteria. Resources were discussed only in terms of whether additional test excavations or data recovery was required [Solimano et al. 1996:13-14; emphasis added].

Daugherty was at this time undertaking cultural resource compliance work on behalf of the WSDOT specific to the I-5 interchange project. In January of 1997, Daugherty prepared a report of his findings in which he declared that the previous archaeological compliance work undertaken by Western Heritage and Northern Heritage was fully sufficient to the task of identifying culturally and historically significant places within the project area: "Because Western Heritage has been conducting research in the immediate area of the construction site, the archaeological, ethnographical and historic literature was well in hand" (Daugherty 1997a:5-6). Not that LAAS was doing a better job at protecting sqʷaliʔabs/Nisqually ancestral burials and culturally and spiritually significant sites:

> The entire Intel DuPont Campus project area was previously surveyed, but there was confusion regarding site locations, and no maps which showed survey transects and shovel probes, which created difficulties in determining where monitoring should occur

> In addition, the Nisqually Tribe raised concerns that burials may be encountered in the project area As a result, Intel Corporation decided to act conservatively and resurvey the entire project area. *Due to the fast-track construction schedule, monitoring and survey were often conducted simultaneously* [Solimano et al. 1996:24; emphasis added].

Surveying sites and making determinations of their eligibility for listing on the NHRP under Section 106 of the NHPA are *much* easier when you conduct your surveys as you are monitoring the construction activities which are adversely impacting the eligibility of these sites. Once you destroy them, they are no longer eligible because archaeologists see no "scientific" value in protecting them. Determinations of eligibility undertaken in this way are no smaller acts of Settler colonial structural genocide than any other desecration. The destruction, excavation, inaccurate interpretation, and appropriation of sites of historical, cultural, and/or spiritual significance to Indigenous peoples are some of the many ways in which "Settler colonialism destroys to replace" through both negative and positive forms of elimination (Wolfe 2006:388).

LAAS staff note in their Intel assessment that they themselves had failed to identify any sqʷaliʔabs/Nisqually cultural sites which *they* deemed as significant, and identify a handful of Settler sites within the project area. LAAS staff further note that, "any ground disturbing construction activities within the tree buffer in the Phase I portion of the Intel DuPont project area should be monitored by a professional archaeologist. No further archaeological work is recommended for the remainder of the Phase I project area" (Solimano et al. 1996:43). Why there might be ground disturbance within an area designated as a buffer is unclear. "Previous cultural resources studies in the vicinity of the Intel DuPont Campus and on the campus itself-have determined that the Intel DuPont project area has a *high probability* for archaeological and historic deposits (Solimano et al. 1996; emphasis added)," as Lynn Larson and Eric Bangs of LAAS note in a letter to Mike Baugh of Baugh Construction, the construction firm undertaking soil storage activities in relation to the project (Larson and Bangs letter to Baugh, July 29, 1996,

document in possession of salətˀuɬkʷ Leonard Squally). As this excerpt shows, Larson and Bangs' determination that the project area had a *high probability* for containing sites was based on Solimano et al.'s 1996 assessment. As Solimano et al.'s employer was LAAS, and Larson knew of the high probability of sites in the project area, it is unconscionable that they proposed for no further monitoring for the vast majority of the project area. LAAS monitored a small number of ground disturbing projects on the property in 1997 and 1998 and as these projects progressed, LAAS staff amended the monitoring process "from daily monitoring to weekly spot checks based on the *low probability* for cultural resources and was agreed upon by Intel Corporation and the Nisqually Tribe. No significant cultural resources were identified during monitoring" (Larson letter to White, May 8, 1998, document in possession of salətˀuɬkʷ Leonard Squally; emphasis added). LAAS therefore determined that, "No further monitoring or cultural resource evaluation is recommended for the Phase I construction phase" (Larson letter to White, May 8, 1998, document in possession of salətˀuɬkʷ Leonard Squally).

In the meantime, construction commenced on the Interstate 5 interchange which had been demanded by Intel, paid for by Weyerhaeuser, fast-tracked by DOE and FHWA, and determined to be a "documented categorical exclusion" to NEPA, as noted at the end of the previous chapter. After the FHWA issued their determination, Olympia attorney Arthur West filed suit in federal district court (*West v. Secretary of the Department of Transportation* No. 97-36118), "challenging the Federal Highway Administration's ("FHWA") decision to categorically exclude a two-stage highway interchange project from review under the National Environmental Policy Act." West argued *pro se* that, "the FHWA should have prepared an EA or an EIS instead of proceeding with the interchange project under a categorical exclusion" (Council on Environmental Quality 2000:19). Judge Robert J. Brian held that the FHWA's determination that

there would be no significant impact from the project was justification enough for the issuance of the DCE designation for the project. The Court, "denied West's request for a preliminary injunction and in an *oral decision*, dismissed all of West's claims" (*West v. Secretary of the Department of Transportation* No. 97-36118; emphasis added). Absurdly:

> The district court failed to consider the procedural requirements for using a categorical exclusion and looked only to the agencies' conclusion that the project would not result in any significant environmental impact. The issue, however, is not just whether the interchange will cause a significant environmental impact, but whether the path taken to reach that conclusion was the right one in light of NEPA's procedural requirements [*West v. Secretary of the Department of Transportation* No. 97-36118].

West appealed the District Court's decision but the case would not be decided until March of 2000. In the interim, the Interstate 5 Exit 118 "interchange, as described in Stage 1, was completed and opened to traffic in October 1997" (*West v. Secretary of the Department of Transportation* No. 97-36118).

During construction, archaeological monitoring and survey within the Army's Superfund site that was to become part of the interchange was undertaken on behalf of the WSDOT by Archaeological and Historic Services [AHS] of Eastern Washington University (Robinson 1996a; 1996b). AHS staff identified no cultural resources within the project area, asserting that this purported:

> absence of cultural material related to the aboriginal use of the region is probably due to the nature of the project area. It had no immediate source of fresh water, making it unlikely that semi-permanent or permanent habitations would have been located within the project's boundaries. The project area may have been used for subsistence pursuits such as hunting. It probably was traveled through, although no record of native trails in the project area was found during background research. Typical finds in hunting areas and along trails are isolated artifacts and chipping detritus. However, nothing of this sort was found by the survey [Robinson 1996a:9].

Within the report of survey and monitoring, AHS staff note that:

> The understory contains salal (*Gaultheria shallon),* both bracken fern *(Pteridium aquilinium)* and swordfern *(Polystichum munitum),* wild ginger *(Asarum caudarum),*

> kinnickinnick *(Arctostaphylos uva-ursi)*, Oregon grape *(Berberis* spp.) and various mosses and fungi. Oak trees *(Quercus garryana)* grow in the few open spaces. According to Kruckeberg (1991 286), garry oaks tend to occupy the parkland border between open prairie and conifers [Robinson 1996a:7].

In addition to Garry oaks being indicative of prairie environments, it was already well-documented by the time of this survey that the presence of Garry oaks is indicative of prior anthropogenic burning regimes (Purdue 1997). "Several ecological processes help these communities change in both their extent and composition. Historically, the fires of Native Americans was (sic) the most powerful process. These fires created and maintained savannas and woodlands of Oregon white oak, Douglas-fir, and ponderosa pine" (Dunn 1998:12). The presence of wild ginger, kinnickinnick and other culturally important medicinal plants provide further evidence that this area was a managed landscape and, as such, potentially eligible for listing on the NHRP as a TCP. Yet, AHS declared that there was nothing of significance to be noted. The over-reliance on archaeological methods to determine site and landscape significance often leads to the destruction of culturally central sites and landscapes. AHS identified no sites within either their monitoring report for Phase I of the interchange, or their preconstruction survey of the area slated for destruction during Phase II of the interchange project, or during monitoring of soil disturbance undertaken in May of 1996 (Robinson 1996a; 1996b; Robinson letter to Frick May 29, 1996, document in possession of salaʔtuƀkʷ Leonard Squally). AHS recommended that in the event that cultural materials were encountered, Eastern Washington University was to be notified immediately. There is no mention of notifying the SHPO or the Nisqually Tribe.

As work proceeded on the highway interchange, WRECO began construction of its Northwest Landing residential and commercial properties in earnest, necessitating various archaeological surveys. In regard to the parcels designated "Divisions 5 through 8 and LID

Parcel 'G'," Daugherty points to previous investigations which identify a number of sites within or near this portion of the Northwest Landing project area, including: 1) 45-PI-413, the site of the 28 desecrated burials, "just west of Divisions 7 and 8 in property belonging to the City of Dupont [sic] and classified as permanent open space" (Daugherty 1996a:2); and 2) 45-PI-74 which Daugherty calls the "Men's Dwelling Houses," while 45-PI-74 is actually the "1843 Indian Camp" identified by Blukis Onat et al. (1977), and surveyed by Jeanne Welch in 1988 who, as noted in Chapter 6, had recommended further testing and avoidance or mitigation (Welch 1989a). Daugherty asserts that "what remains of the site lies within the 100' setback from Sequalitchew Creek and hence will not be endangered by development activities" (Daugherty 1996a:2)

In an additional survey of lands beneath and adjoining the planned Center Drive extension, Daugherty found that with the exception of the Town of DuPont Garbage Dump identified along Center Drive, "Archaeological investigations have been conducted along Center Drive and on the parcels of land on either side, and no additional archaeological and/or historical sites were found in close proximity to the road and, consequently none would be affected by road construction" (Daugherty 1996d:1). In regard to these two surveys, Daugherty states that he undertook "investigations" of numerous parcels, but his reports rely almost exclusively on the previous research thoroughly discredited by LAAS. In a number of additional surveys undertaken in 1996 and 1997, Daugherty indicates that he had personally undertaken physical survey work in compiling his reports. In regard to the property designated as "Parcel 'S'," Daugherty declared that previous site disturbance had leveled the entire area. "Although the area was carefully examined by archaeologist dr. [sic] Richard D. Daugherty, it was abundantly clear that the surface deposits that might have contained prehistoric [sic] or historic cultural materials

had long since been removed. No cultural materials were found" (Daugherty 1996c:1). This first report for Parcel S was written in May of 1996, and Daugherty apparently resurveyed the parcel in December of 1996, again finding no indication of the presence of sites and landscapes of significance (Daugherty 1997c).

In September of 1996, Daugherty submitted a report to WRECO regarding a two-phase survey he had undertaken within the area designated as "Division IV" (Daugherty 1996b). For Phase I, prior to the removal of timber and brush, Daugherty states that, "Pedestrian transects employing shovel probes failed to locate any cultural materials" (Daugherty 1996b:2). Daugherty does not discuss the methods employed in Phase II of the survey, undertaken after the land had been cleared of trees and brush, but states that no cultural materials were observed. In fact, Daugherty asserts that during both phases, "No evidence of cultural materials, either artifacts or structural remains was found in Division IV. It is the conclusion of these investigations that construction and construction related activities will have no impact on cultural materials" (Daugherty 1996b:2). In 1997, Daugherty resurveyed "area of Village IV," stating that 45-PI-72, the ancient shell midden and burial called DuPont Southwest, and 45-PI-413, an additional shell midden, were both identified within previous "archaeological investigations of the Village IV area" undertaken by Blukis Onat, et al. (1977) and Welch (1989a). Daugherty's three-page report of the resurvey does not include a map showing the project area and building footing locations and, therefore, it is impossible for me to determine whether these two sites were slated to be adversely impacted by the construction of Village IV. Daugherty states that, "Although the area was carefully checked, no new prehistoric [sic] or historic sites were found" (Daugherty 1997c:3).

In 1997, Daugherty also resurveyed the area designated "Division 5" after trees and brush had been cleared (Daugherty 1997b). He notes that, "The clearing of the vegetation disturbed the topsoil to a depth of one foot or so, and no shovel tests were necessary" (Daugherty 1997b:2). Therefore, any sites within that first foot of topsoil had been destroyed during clearing. Daugherty very briefly describes his methods: "The area was carefully examined with walking transects spaced approximately 5 meters apart" (Daugherty 1997b:2). Troublingly, this is the most detailed description that Daugherty gives of his methods in any of these 1996 and 1997 survey reports. Importantly, discussion of methods was completely omitted from his Village IV resurvey which included two of the most culturally significant sites within the sčəgʷaliču/Sequalitchew village ancestral landscape. In 1998, Western Heritage archaeologists monitoring construction within the area designated Division 6 found the fragments of a small chest and a number of broken dishes:

> When topsoil was removed from this area, a small, irregularly shaped area of dark soil was discovered that identified a pit that had been dug. Careful excavation of the pit revealed numerous fragments and parts of a chest and more pieces of broken dishes dating from the Hudson Bay Company (HBC)/Puget Sound Agricultural Company (PSAC) period […] Initially, it was presumed that the chest and broken dishes were likely evidence of an isolated grave. Excavations of this locality were begun. With that in mind, after exhaustive excavations revealed no evidence of a burial site, the search was halted. The recovered artifacts were taken to the laboratory where they were cleaned, labeled, and catalogued [Daugherty and Condon 2000b:2].

I will note here, however, that salətʼuṗkʷ Leonard Squally insists that this is a grave site, and that the chest is an item of sqʷaliʔabs/Nisqually historical and cultural significance. salətʼuṗkʷ Leonard Squally maintains that because the chest was not given to the Tribe, Western Heritage and Weyerhaeuser violated provisions of the 1988 Cemetery MOA pertaining to the repatriation of cultural items (salətʼuṗkʷ Leonard Squally, personal communication 2004).

Additionally, the Tribe had expressed concerns in relation to ancestral gravesites and other culturally and historically significant places to the City of DuPont regarding the platting of Division 6 prior to the commencement of construction. At a June 4, 1997 Nisqually Tribal Council meeting, it is noted that Tribal employee George Walters:

> presented a map of the cemetery sites located near a proposed housing site. He said the [Nisqually Tribe] Historical Committee recommended that housing lots located next to the cemetery be made into open areas; the Historical Committee also recommended to request that the "neighborhood green" next to the cemetery be changed into an open areas [sic]. Discussed the proposed development; Discussed sending out a letter to Weyerhaeuser, George W. said he will draft a letter for the Chairman's signature [Nisqually Tribal Council Meeting Minutes, June 4, 1997, document in possession of salaťuṗkʷ Leonard Squally].

Two days after this meeting, Tribal Chairman Michael Stepetin signed the letter written to Willard Shenkel, the Mayor of the City of DuPont. Stepetin's letter states that "We are concerned about placing homesites so close to the unmarked Indian cemetery, with the result that families move in to the area without knowing exactly what is located next door" (Stepetin letter to Shenkel, June 6, 1997, document in possession of salaťuṗkʷ Leonard Squally). In response to Stepetin's letter, J.J. McCament of WRECO, and not the Mayor of DuPont or a City employee, suggested a "meeting within the next week or so to walk the development sites in the area immediately south of Sequalitchew Creek and the cemetery" (McCament letter to Stepetin, June 20, 1997, document in possession of salaťuṗkʷ Leonard Squally). While the details of this meeting are unavailable, this would not be the last time that the Tribe would express concerns about desecration of graves within Divisions Six and Seven. The Tribe had every right to be extremely alarmed because: "This is where Daugherty found that vertebrae and Gilly[115] told him what it was. He threw it on the ground" (salaťuṗkʷ Leonard Squally, personal communication 2010).

[115] The late Quinault Elder and anthropologist Gilly Corwin, and his work with salaťuṗkʷ Leonard Squally, will be discussed later within this chapter.

As the construction of the Intel box plant, the highway interchange, and Northwest Landing residential and commercial facilities got underway, unmonitored "remediation" of the highly contaminated Parcel 2 of the 1996 Cleanup Action Plan was coming to a close. On October 24, 1995, Weyerhaeuser and Intel "agreed to modify certain terms of said mineral and royalty reservations as to the lands described in Exhibit A in connection with their sale to INTEL CORPORATION ("Intel") by Weyerhaeuser Real Estate Company, a subsidiary of Weyerhaeuser" (Pierce County Auditor's Recording No. 9510310902). These lands are located in the SE quarter of section 23, the southwest quarter of Section 24, the northwest quarter of Section 25 and the northeast quarter of section 26, comprising Parcel 2 of the Cleanup Action Plan. In this Modification of Mineral Reservation, Weyerhaeuser agreed that it would not mine the property or operate equipment which would interfere with Intel's manufacturing. Weyerhaeuser also clarifies that it does not have the right to compel Intel or its successors to mine the property (Pierce County Auditor's Recording No. 9510310902). On December 4, 1995, a Declaration of Restrictive Covenant, required by the State Department of Ecology, was issued in regard to these same lands which were at this time still owned by Weyerhaeuser/WRECO. In this Restrictive Covenant, Weyerhaeuser/WRECO agreed to the stipulation, which would also apply to future property owners, that, "The Property may be used only for the purposes allowed under the City of DuPont's 1995 Comprehensive Plan or zoning regulations in effect as of the date of this Restrictive Covenant," which at that time limited the property to solely industrial development (Pierce County Auditor's Recoding No. 9601090365).

The Restrictive Covenant on the property could be removed through the recording of an instrument declaring that the covenant no longer applied. "Such an instrument may be recorded only with the consent of the Department of Ecology, or its successor agency. The Department of

Ecology, or a successor agency may consent to the recording of such an instrument only after public notice and comment" (Pierce County Auditor's Recoding No. 9510310902). On March 5th, 1996, WRECO sold these lands to Intel, "for ten dollars and other good and valuable consideration," subject to the provisions of the restrictive covenant and various easements and other stipulations (Pierce County Auditor's No. 9603180103). The Restrictive Covenant states that, "Any activity in the Cleanup Areas, such as disturbing the soils, may involve further legal obligations" (Pierce County Auditor's Recoding No. 9510310902). At some point during 1996, "Ecology approved a Cleanup Action Plan (CAP) for Parcel 2 that provided for no further remediation activities except for institutional controls to maintain the industrial use of Parcel 2" (URS Company 2000a:2-3). I have as yet been unable to determine whether this CAP was approved prior to or subsequent to the sale of these lands to Intel.

Plans for the construction of a golf course within Parcel 1 as part of remediation began to unfold, and a *Summary of Cultural Resources for Proposed DuPont Golf Course, Pierce County, Washington* was prepared by the CRM firm Historical Research Associates [HRA] (Thompson and Carter 1997). The summary provided solely a review of the previous archaeological surveys undertaken within the project area, and no field inspection was undertaken (Thompson and Carter 1997). In regard to these studies, Thompson and Carter found that, "The past archaeological studies show *inconsistent survey and subsurface testing techniques, lack of detailed reporting and mapping, and less than precise locational information for some sites* (cf Solimano et al. 1996)" (Thompson and Carter 1997:3-2; emphasis added). In defense of his firm's survey work, and that of Blukis Onat et al. (1977), in a review of the Thompson and Carter's (1997) report, Richard Daugherty contended that:

> The comment from Solimano et al is nonsense. During the time that this group was surveying and evaluating the cultural resources in the INTEL property, they never once

> asked for our records which we would have freely provided them. The area had been surveyed previously by Western Heritage, and it came as no surprise that they found the same to sites that we had, and that Onat and her crew had found years earlier [Daugherty 1997d:1].

Recall from above that Solimano et al. (1996) had found no reports summarizing testing activities undertaken by Western Heritage between 1988 and 1993. These reports should have been on file with the SHPO and, as Solimano et al. were able to locate the 1989 cultural resources management plan crafted by Welch (1989c) on file, I can only logically assume that Daugherty did not submit his reports to SHPO. Thompson and Carter also assert that, "HRA understands that WRECO initiated a Memorandum of Agreement with the Washington State Historic Preservation Officer and the City of DuPont in 1989 regarding treatment of cultural resources. *It appears that the parties have not yet signed this document*" (Thompson and Carter 1997:6-1; emphasis added). I have not yet been able to confirm the veracity of this statement.

In his 2005 MUP project paper, Rodney Proctor states that in regard to remediation activities within Parcels 1 and 2, inclusive of the planned golf course, "all documents and decisions for the project produced after 1996 were either under my direct or indirect control" (Proctor 2005:5). Recall that this is the man who confuses Parcels 1 and 2 throughout his MUP. In regard to Parcel 2, another Declaration of Restrictive Covenant was signed on December 8, 1997, and recorded on December 23, 1997 (Pierce County Auditor's Office Recording No. 9712230865). This Covenant applied to portions of Sections 22, 23, and 26 still owned by WRECO which were not included in the 1995 Restrictive Covenant, as well as a portion of Section 27. WRECO agreed to the stipulation that "Parcel 2 of the Property shall not be developed or used for any activity other than the traditional industrial uses, as described in RCW 70.105D.020(22), and as defined in and allowed under the City of DuPont zoning regulations

and Comprehensive Plan (July 1995) for 'industrial' uses" (Pierce County Auditor's Office Recording No. 9712230865). The 1997 Restrictive Covenant also stipulated that:

> Any application to modify or terminate this restriction shall be submitted to Ecology and shall include soil sampling and analytical data for the real property with respect to which the application is made, and a description of the use of the real property that is planned by the applicant, if such use is other than a traditional industrial use. In making any determination to modify or terminate the deed restrictions with respect to real property for which non-industrial use in planned by the applicant, Ecology shall apply the requirements of MTCA, the MTCA Cleanup Regulation, and the cleanup standards applicable to such uses at Parcel 2 [Pierce County Auditor's Office Recording No. 9712230865].

As with the earlier restrictive covenant, modifications to or removal of restrictions on the property could only be approved by Ecology after public notice and comment (Pierce County Auditor's Office Recording No. 9712230865). According to the FEIS prepared as part of remediation efforts in 2000, it is noted that "Parcel 2 of the former DuPont Works site has been cleaned up to meet industrial cleanup standards. The cleanup of Parcel 2 was approved by Ecology, and this parcel was removed from the Hazardous Sites List in 1997 after an opportunity for public review and comment" (URS Company 2000a:1-2). I will return to a discussion of these development restrictions in the next chapter, as recent proposals envision a different future for this toxic landscape.

In the meanwhile, throughout the 1990s, a number of local groups interested in historic preservation began forming, many of them meeting in the museum which had been established by the City in 1982 "for custodianship of artifacts collected from the DuPont Powder Plant Era" (Creighton 2004:164). One of these groups was the Committee for the Preservation of the Nisqually [Episcopal] Mission Site[116] who, "By September of 1998 […] had begun the process of nominating the mission for inclusion in the National Register" (Creighton 2004:164). By

[116] Recall from Chapter 2 that this site has been burned to the ground by the people of sčəgʷaliču/Sequalitchew in the 1840s.

January of 1999, a number of independent historic preservation groups had come together and formed the Nisqually Point Defense Fund [NPDF] which coordinated, "A committee [that] gathered to work towards preserving approximately 640 acres at Northwest Landing, which it designated 'The Nisqually-Sequalitchew Historic District.'" (Creighton 2004:164-165). The district includes three sites of great significance to sqʷaliʔabs/Nisqually peoples: 45-PI-54 Sequalitchew Archaeological Site; 45-PI-76 Sequalitchew Graves; and 45-PI-404 Nisqually Indian Burial Site. In response to the announcement of NPDF's plans, and "to various criticisms, Weyerhaeuser wrote to the State Historic Preservation Office detailing the firm's sensitivity and thoroughness in protecting cultural sites and historic resources," in April and again in May of 1999 (Creighton 2004:166). Janet Creighton provides a list of efforts made by the Company and out of the fourteen items listed, only two pertain to the Nisqually Tribe: one item describing how documents had been donated to the Tribe, and one item referring to the establishment of the cemetery (Creighton 2004). Interestingly, there is no mention of either the 1983 MOA with the Tribe, or the 1989 MOA with the SHPO.

NPDF's announcement also triggered an outpouring of support for the planned nomination of the historic district. salətʼuƀkʷ Leonard Squally has provided me with copies of thirty-nine letters of support for the planned nomination submitted to both the SHPO and the State Advisory Council on Historic Preservation by various individuals, historic preservation groups, and governmental employees and agencies, as well as a resolution in support of the nomination (No. 99-225) enacted by the City of DuPont on September 14, 1999.[117] Included is a letter from Nisqually Tribal member Cecilia Carpenter on letterhead from her company Tahoma Research Services which provides partial support for the nomination (Carpenter letter to SHPO

[117] A small number of individuals and entities submitted two different letters.

Allyson Brooks, May 26, 1999, document in possession of salaʔuɬkʷ Leonard Squally). The letter is instructive:

> This letter is written in support of the proposed Nisqually-Sequalitchew Historic District that is being proposed for nomination to the National Register of Historic Places and the Washington Heritage Register. My only concern is that the district should be enlarged to include "the 5,000 year-old-site."
>
> In 1986 the larger site was considered to be the largest undug archaeological site in the state of Washington. It was in that year that I attempted to have the entire site protected under the town of DuPont and the original buildings moved back from the Point Defiance site. But the lady mayor of DuPont told me in no uncertain terms that concerns such as traffic etc. were just too much for her little town of DuPont to tackle. The Metropolitan Park people called me in and made it clear that they would not release the buildings to be returned. I then contacted Senator Dan Evans and Representative Norm Dicks requesting that the site be turned into a national park similar to Fort Vancouver that was rebuilt from almost nothing except the land site. Representative Dicks "explored" the situation and decided that it was not a good idea.
>
> At that point I realized I was outnumbered. Because the entire site was located on the traditional lands of the Nisqually Indian people and the Nisqually Tribe has been recognized as the "tribe of interest" by Weyhaeuser [sic] Real Estate Company I retreated to leave the matter in the hands of the Nisqually Tribe. Since that time the tribe has sought to protect all of their sensitive archaeological sites.
>
> *I cannot understand why the Nisqually Tribe was not asked to be in on the planning stages of this plan.* At some point the WeyCo [sic] Company, the Town of DuPont and the State Office of Archaeology are going to have to acknowledge the importance of the Indian and Fort Nisqually significance of the site. Let Weyco [sic] build their golf course over the "dangerous area," establish green belts and walking paths but there should be no homes/houses on this larger site. Only exception would be a Sequalitchew Museum and Interpretive Center on the eastern fringe of Center Drive as I once suggested to WeyCo [sic] [Carpenter letter to Brooks, May 26, 1999, document in possession of salaʔuɬkʷ Leonard Squally; emphasis added].

I will return to the matter of Tribal involvement in the nomination in a moment. Creighton asserts that:

> The proposal was submitted at the September 1999 State Advisory Council meeting, but the State Historic Preservation Officer rejected it because of technical difficulties. WRECO then proposed that the parties cooperate to develop a workable proposal satisfactory to all. *Next, a citizen group under the name "Point Nisqually Defense*

> *Fund"*[118] *resubmitted the nomination with a reduced acreage and on short notice to WRECO*. [Creighton 2004:167-168; emphasis added].

salətʼuƀkʷ Leonard Squally has provided me with copies of fifteen comment letters submitted to SHPO in January of 1999 pertaining to the amended proposal for listing the district. Six of these letters offer unqualified support for the nomination, six letters contain objections to listing the district at all (including one from Glacier Northwest, the new successor in interest to Lone Star Sand and Gravel Company), and three letters contain various objections to parts of the nomination.

One letter containing objections to portions of the nomination is from archaeologist Richard Daugherty of Western Heritage. Daugherty's letter states that:

> On January 19 I received a copy of the NISQUALLY-SEQUALITCHEW NATIONAL HISTORIC DISTRICT NOMINATION and discovered that I am listed as one of those who prepared the nomination form. I had nothing to do with it. Perhaps the authors were just being kind because they used some of the information I generated. However this implies that I am a supporter of the nomination. As it is written I am not. There is much that I agree with, but where I differ is that I cannot go along with the DuPont Explosive Works being of National significance […] Also, two significant Indian shell midden sites, one dated at 5,740 +/- 70 years BP, have been left out entirely. At any rate please delete my name as one of the authors of this nomination [Daugherty letter to Brooks, January 24, 2000, document in possession of salətʼuƀkʷ Leonard Squally; emphases in original].

A letter of support for the district was submitted on behalf of the Committee for the Preservation of the Nisqually Mission Historic Site, the Committee for the Preservation of the Nisqually-Sequalitchew Historic District, and the NPDF (Edgren letter to Brooks, January 27, 2000, document in possession of salətʼuƀkʷ Leonard Squally). In this letter, NPDF President James Edgren states that, "As you will remember, the Advisory Council considered our nomination at their September meeting in Spokane. We were, of course, disappointed with the Council's action to *table the nomination, and in effect, remand it back for further work, to include negotiations with the property owners*" (Edgren letter to Brooks, January 27, 2000, document in possession of

[118] I have been as yet unable to ascertain whether this is a distinct group from the Nisqually Point Defense Fund.

salətˀuɬkʷ Leonard Squally; emphasis added). Once again, Janet Creighton is mistaken in her assertions that at this September meeting of the Advisory Council, "the State Historic Preservation Officer rejected it because of *technical difficulties*. WRECO then *proposed that the parties cooperate* to develop a workable proposal satisfactory to all" (Creighton 2004:167-168). Tabling a decision is not a rejection, and Weyerhaeuser was apparently not as cooperative as Creighton indicates. Edgren's letter continues:

> However, we have complied with their recommendations and have taken the actions suggested, so that this fourth iteration (previous submissions, or attempts in January, June and September 1999) appears to us to be a complete and carefully crafted nomination which documents both the historical significance of the district as well as correcting earlier errors of finding or fact. We have been in dialogue with the property owners and have engaged in extensive negotiations regarding boundaries, specific properties, and the preservation of archaeological artifacts. As of this writing, while we have made progress, we have not come to an agreement, and the property owners have, as you know, filed objections to our nomination. Since they have agreed with us in principle, that an historic district can become a reality, we find it hard to understand their objections at this time. It appears to us that their objections involve future land-use issues rather than the historical significance of the district area [Edgren letter to Brooks, January 27, 2000, document in possession of salətˀuɬkʷ Leonard Squally].

It appears that Janet Creighton's statement above that "a citizen group under the name 'Point Nisqually Defense Fund' resubmitted the nomination with a reduced acreage and on short notice to WRECO" is not exactly true. The Point Nisqually Defense Fund is listed on the nomination form as the organization that prepared the nomination. The acreage of the district had not been reduced from prior specifications, however, and as Edgren's letter clearly illustrates, WRECO had plenty of advance notice regarding the January 2000 nomination.

The Advisory Council met the day after Edgren submitted his letter, on January 28, 2000, and Creighton notes that the State Office of Archaeology and Historic Preservation scheduled the consideration of the nominations of both the 1843 Fort Nisqually and the Nisqually-Sequalitchew Historic District before the State Advisory Council for the same session. Creighton

asserts that the Council voted "unanimously to list the 640-acre tract of private property on both the state and national registers over the objections of Weyerhaeuser officials," along with the 1843 fort (Creighton 2004:168). As Creighton herself notes here, this is the exact same size tract as had been nominated previously, and her prior assertion that the district had been reduced in size prior to this nomination is erroneous. Additionally, and again contrary to Creighton's assertions, the Council could only have *advocated* that the SHPO submit the nomination to the National Park Service and not listed the district on the National Register. Creighton stridently defends her husband's corporation:

> The activists and the OAHP apparently ignored SHPO's Corporate Stewardship Award that had been presented to Weyerhaeuser by OAHP in 1994 in recognition of the company's preservation of early HBC forts and its extensive archaeological investigations. Moreover, the company has already spent over a million dollars for research and preservation of the sites, and professional archaeologists hired by the firm had labored to determine the mission's location, but without success, In addition, a memorandum of agreement with the state historic preservation officer was already in place to protect historic sites and to avoid or mitigate any adverse effects on significant cultural resources as a result of development activities. WRECO had demonstrated its sensitivity to the archaeological value of the area, had continued historic preservation efforts, and was willing to do more. Its opposition to the nomination of so much private land, considered valuable real estate, caused the company to prepare and submit an alternative nomination for a smaller area to be recognized and listed in the National Register [Creighton 2004:168-170].

I have been unable to locate WRECO's nomination form, if such a document exists. In January of 2000, Weyerhaeuser and WRECO published a co-authored report titled *Northwest Landing-DuPont Property Historic Sites Summary Research Explorations and Protection Measures* in which the companies sought "to provide decision-makers and citizens with accurate information regarding the extensive research and protection measures that have been undertaken at the Northwest Landing-DuPont Property" (Weyerhaeuser and WRECO 2000:1). Despite this apparent attempt at self-aggrandizement, it is evident that the companies were stonewalling. In a

photocopy of an article[119] from *The Olympian* newspaper dated February 1, 2000 provided to me by salaʔuɬkʷ Leonard Squally, it states that, "The only way the committee [the State Advisory Council] would be able to put the land on the National Register of Historic Places is if Weyerhaeuser decides to sell the land. 'If Weyerhaeuser decides to sell the land, then it would be eligible for the national list,' [DuPont Mayor Judy] Krill said" (The Olympian, "Most of DuPont is Declared Historic," February 1, 2000). Janet Creighton's insistence that Weyerhaeuser was cooperating with the listing of a district of any size is absolutely unfounded. The nomination was submitted to NPS on February 1, 2000, and the photocopy of the nomination crafted by PNDF provided to me by salaʔuɬkʷ Leonard Squally has the words "DRAFT" and "Needs revision" written next to the stamp applied by NPS indicating that it had received the nomination packet (PNDF Nisqually-Sequalitchew Historic District Nomination 2000). I will return to a discussion of the nomination, and Weyerhaeuser's "cooperation" below and throughout the remainder of this work.

As struggles over the district nomination were unfolding, WRECO submitted a Forest Practices Application [FPA] on August 10, 1999 to the State Department of Natural Resources [DNR] seeking permission to harvest one hundred-sixty acres of timber in Sections 26, 27, 34, and 35 in preparation for the construction of the Village II/Yehle Village section of Northwest Landing (DNR Decision Activity Packet 1999). The City had issued a Mitigated Determination of Nonsignificance [MDNS] in regard to the construction of this portion of the Northwest Landing development in August of 1997 as part the "phased environmental review process that has been occurring within the City during the twelve years since the City adopted its original Comprehensive Plan in 1985" (City of DuPont Ordinance 97-586 "Findings" 1997:2). A determination such as this "is appropriately issued for proposals that mitigate impacts below the

[119] It is not clear from the photocopy if the article continues on after the first page.

threshold of environmental significance […] Phased environmental review is particularly appropriate where, as here, the sequence is from a non-project planning document (i.e., the 1985 and 1995 Comprehensive Plans) to a site-specific analysis (i.e., MDNS)" (City of DuPont Ordinance 97-586 "Findings" 1997:2-3). As neither the 1985 EIS on the City's 1985 Comprehensive Plan, nor the 1995 SEIS pertaining to the City's 1995 Comprehensive Plan are available to me, how this MDNS was justified by the City of DuPont remains obscured.

In regard to cultural resources that would potentially be impacted by the construction of Village II/Yehle Village, WRECO's plan was to follow measures outlined in the 1988 Cemetery MOA with the Tribe, and the 1989 MOA with SHPO and the City. There is no mention of the 1983 MOA with the Tribe that pertained to the proposed log export facility, despite the fact that Weyerhaeuser/WRECO continued to insist in numerous subsequent documents that it was in effect. It is further stipulated in WRECO's plan that:

> The owner at the time of development shall hire a professional archaeologist to provide archaeological monitoring of site grading and excavation phases of construction and ensure that all construction crews receive training to identify site characteristics that would allow the recognition of any heretofore unknown cultural resources. If, during the construction phase of the proposed project, archaeological materials are discovered, resources *can* be evaluated in accordance with the criteria for listing in the National Register of Historic Places. [City of DuPont Ordinance 97-586 "Findings" 1997:13; emphasis added].

As stated, WRECO and subsequent owners were not required to have sites evaluated according to NHRP eligibility criteria, they were merely given the *option* to do so. I have as yet been unable to locate any documents pertaining to archaeological monitoring of the timber harvest that took place under this particular FPA permit. In fact, I have not located any archaeological evaluations or monitoring reports pertaining to any lands within the Weyerhaeuser/WRECO-owned property undertaken or published throughout the entirety of 1999.

By 1999, Weyerhaeuser had established itself as the world largest producer of lumber, the world's largest private owner of timber land, and a leading producer of various paper products (Draffan 1999). Weyerhaeuser, the timber giant, had spread its tentacles far and wide since its founding. While the corporation undoubtedly sold the timber from the 1999 harvest on the DuPont property, and timber was still central to Weyerhaeuser's operations:

> The empire known as "the tree-growing company" is now truly diversified, and includes more than a hundred subsidiaries […] Weyerhaeuser controls corporations ranging from Energy Holding Company to the Golden Triangle Railroad to Bahamas-based de Bes Insurance Company. Weyerhaeuser tree farms grow yew trees to produce cancer cures from the bark […] Weyerhaeuser has even participated in a steering committee designed to test attitudes about converting a mothballed nuclear reactor on the Hanford reservation to a weapons plant. Naturally enough for a timber company, one of Weyerhaeuser's major interests has been in construction and development. Weyerhaeuser mortgage is a major mortgage-banking company, with over $11 billion in loans in the late 1980s. A dozen real estate subsidiaries, operating in Washington DC, Washington State, California, Nevada, and Florida, often building houses or office parks on cutover land, are among the top ten home builders in the United States, with sales over a billion dollars in 1989 [Draffan 1999:1-9].

A number of Weyerhaeuser's homebuilding subsidiaries were busy making money on behalf of the multinational in the Northwest Landing monopoly, including Centex Homes, Carino Homes, and the Quadrant Corporation. Of the corporation's many tentacles, one of the most intriguing is "Weyerhaeuser Information Systems, which began as the company's data processing department" (Draffan 1999:8). Weyerhaeuser had begun to market itself "internationally for professional services, information systems, disaster recovery, and manufacturing systems. Its customers have included IBM, Honeywell, DEC, and Hewlett-Packard" (Draffan 1999:8). The idea that Weyerhaeuser would lure Intel, a purported competitor in the information business, to DuPont indicates that there may be a far deeper and obscured connection between the two corporations. Another obscured connection that may very well be pertinent to the state's turning a seemingly blind eye to Weyerhaeuser's violations of state and federal law within the ancestral

village landscape of sčəgʷaliču/Sequalitchew is the fact that "District and municipal court jurisdictions in Washington State use Weyerhaeuser computer systems" (Draffan 1999:8).

On March 20, 2000, the federal Ninth Circuit Court of Appeals issued its decision in *West v. Secretary of the Department of Transportation* (No. 97-36118), reversing the lower court's decision that the FHWA's issuance of a DCE on the highway interchange project was adequate. Weyerhaeuser was one of the parties named as a defendant in West's suit along with the FHWA. "Weyerhaeuser contends that we should dismiss this appeal as moot because construction for Stage 1 of the interchange has been completed" (*West v. Secretary of the Department of Transportation* No. 97-36118). The Court held that the action was not moot, for although Stage 1 of the project had been completed in October of 1997, Stage 2 had not yet commenced, and should it be determined that the defendants failed to comply with NEPA, "our remedial powers would include remanding for additional environmental review and, conceivably, *ordering the interchange closed or taken down*" (*West v. Secretary of the Department of Transportation* No. 97-36118; emphasis added). The Court did indeed find that the FHWA's issuance of a Documented Categorical Exclusion on the project was in error:

> The conclusion that the FHWA erred in using a documented categorical exclusion, leaves the difficult question of what is the appropriate remedy. The interchange is open to traffic, and was opened at the time the district court dismissed West's claims. Although the FHWA conducted some environmental review of the project, it failed to comply with NEPA's review requirements. While we recognize that it may be too late to correct problems that the requisite environmental review might have identified, we are not convinced that all the problems identified by such a review would be immune from all mitigation measures. There may be ways to modify the operation of the interchange or to mitigate its effects by altering plans for stage 2 or by other transportation planning measures for the existing structure. Thus, there are likely other available remedial measures short of tearing the interchange down. *While the latter, drastic, remedy would not appear to have beneficial environmental effects*, that fact does not render thorough environmental review pointless […] While we decline to order the interchange torn down, we direct the district court to order the requisite environmental review for Stage 1. We vacate the district court decision as it relates to Stage 2 [*West v. Secretary of the Department of Transportation* No. 97-36118; emphasis added].

Hardly a victory for West and for the beings, powers, and ancestors of the ancestral village landscape of sčəgʷaliču/Sequalitchew or the sqʷaliʔabs/Nisqually peoples, the Court's decision, which could have resulted in the removal of the interchange and had the potential to cause Intel to pull out of DuPont and bring the development of Northwest Landing to a complete standstill, amounted to requiring environmental impact studies of Phase I, which had *already been completed* two-and-a-half years previously. The Court of Appeals remanded the case back to the 9th Circuit District Court, directing the lower court to "order the requisite environmental review for Stage 1. We vacate the district court decision as it relates to Stage 2 […] The type of environmental review that will ultimately be required for Stage 2 will depend on the scope of Stage 2 when it takes shape more clearly" (*West v. Secretary of the Department of Transportation* No. 97-36118). I have not been able to locate any documentation of action taken by the lower court regarding Stage 1, nor any additional NEPA-mandated environmental review documents pertaining to Stage 2 of the interchange.

As the historic district nomination struggles and the decision in *West* were unfolding, the Nisqually Tribe began to take a more proactive approach to the protection of ancestral gravesites and sites of historical, cultural, and spiritual significance within the sčəgʷaliču/Sequalitchew ancestral village landscape. On January 4, 2000 anthropologist, Quinault Tribal member and Elder Gilly Corwin gave a presentation to the Nisqually Tribe Historical Committee in which he proposed a four week project geared toward the protection of these ancient and sacred places. (Corwin 2000a, presentation powerpoint photocopies, in possession of salətʼuƀkʷ Leonard Squally). Corwin's plans included seeking permission from the Tribal Council, the Historical Committee, and the traditional cultural and spiritual practitioners amongst members of the Tribe to: identify and map sites within the sčəgʷaliču/Sequalitchew ancestral village landscape in

Week One of the project; research and document existing data, provide project updates, and begin a campaign to garner support for the protection of this landscape in Week Two; document oral historical information and present findings to the Historical Committee, the Tribal Council, and the community in Week Three; and seeking publicity and planning further action in Week Four (Corwin 2000a).

Corwin, along with salətˀuɬkʷ Leonard Squally, identified and documented two burial sites in the middle of a residential area within the first week. Corwin had contacted a woman he identifies as "Geneva," as a possible "spokesperson for the DuPont property" (although he is uncertain of her position), on January 7, 2000 in order to request access to "the confined area that contains Sequalitchew village and the seashells" (Corwin 2000b, Week One Summary, document in possession of salətˀuɬkʷ Leonard Squally). Corwin was denied permission. Corwin reports that on January 24, 2000:

> Zee Hill, Rob Whitlam, and Alison [sic] Brooks [of OAHP] met in Lacy [sic], WA. They were in support of our efforts and said we should have a Memorandum of Agreement to allow us to work together in a joint effort toward the goal of preservation and protection of the sacred sites. This is scheduled to [be] mailed to me as soon as it is drafted for presentation to you [Corwin 2000c Weeks Two and Three Summary, document in possession of salətˀuɬkʷ Leonard Squally].

On the day after this meeting, Corwin and salətˀuɬkʷ Leonard Squally again visited DuPont, this time identifying nine additional ancient burial sites (Corwin 2000c). Later that week, Corwin attended the state Advisory Council meeting at which the nomination of the historic district was being considered, and advised the Nisqually Tribal Council that, "This decision is crucial towards preserving the lands from development which could potentially include the burial sites we are attempting to preserve and protect" (Corwin 2000c). Throughout the remainder of weeks two and three of the project, Corwin and salətˀuɬkʷ Leonard Squally again visited DuPont to further document the nine newly discovered burials (Corwin 2000c).

In his report for Week Four of the project, Corwin provided a summary of the work undertaken to date, noting that by this time, he and salətˀuɬkʷ Leonard Squally had identified thirty one burials, advised the Tribe that a spiritual person should be sought out to provide guidance to the community as to how to proceed (Corwin 2000d Week Four Summary, document in possession of salətˀuɬkʷ Leonard Squally). Corwin drafted a report for a fifth week of the four-week project, the Tribe apparently finding his services to be much needed. In this report, Corwin states that Upper Skagit spiritual person Dobie Tom visited DuPont with him and salətˀuɬkʷ Leonard Squally on March 2, 2000. After assessing both the Northwest Landing development and the area of the gravel mine, Tom advised that the protection of this landscape and those who were working to prevent its further desecration was vitally important to the health and well-being of the community (Corwin 2000e Week Five Summary, document in possession of salətˀuɬkʷ Leonard Squally). As a result of the efforts of Corwin, Tom, and salətˀuɬkʷ Leonard Squally, the Nisqually Tribe hired salətˀuɬkʷ as a cultural resource monitor in April of 2000. Corwin provided an additional report in late May of 2000 in which he states that on May 16, 2000, he contacted Jim Odendahl, the DuPont Site Manager for the Weyerhaeuser Company by telephone. Corwin requested that the Company allow a group of Nisqually Tribal members access to the mouth of sčəgʷaliču/Sequalitchew to conduct a ceremony for the remains of ancestors which had been found there. “The agreement was for 5/24/2000 and there was no mention of how many could be in the party” (Corwin 2000f Progress Report Nisqually Project, document in possession of Leonard Squally). Corwin made notes during his conversation with Odendahl which stated “10:30 AM Dupont [sic] store rendezvous with others then proceed to front gate to meet with Weyerhaeuser” (Corwin 2000f).

Among those in attendance were traditional spiritual leaders Dobie Tom and Hoagie King George of the Muckleshoot Tribes. Corwin provides an account of events:

> **11:34 AM** Gilly, Allen [Frazier], and Leonard arrive at front gate, the security guard said we would have to reschedule another appointment for we missed the 10 AM meeting with Jim Oldendahl [sic]; Allen then asked security guard to call Jim Oldendahl [sic] and have him come to the front gate and explain why?-the security guard was asked to open the gate so we could park our vehicle for others were coming? Security guard said it would not be possible/he was ordered not to let anyone in the gate (Jim Oldendahl [sic] gave him orders)-Other members of the Nisqually party arrived and we were informed of the cancellation.
>
> […] About **11:57 AM** Jim Oldendahl [sic] arrived at front gate—he said he took time off on his vacation to be here at 10 AM to meet with Leonard and Gilly and that 4 carloads was too many and that we would have to give him two (2) weeks notice before this large of a party can enter. Two (2) members of the Nisqually party asked why we couldn't enter the gates?-reasons given was for safety, security, and no facilities for going to the bathroom were available; Jim Oldendahl [sic] said an Archaeologist should also accompany the party;-the Nisqually group along with Dobie Tom said Weyerhaeuser did not understand the spirituality involved and we need to rebury our people whose remains are near the mouth of Sequalitchew Creek—Jim Oldendahl [sic] was very rude to everyone—he said *he did not know of any remains there and did not know of any other burials at the Sequalitchew and even within the old fort site* [emphasis added]*;* it was brought to Jim O attention once again, that we knew of remains and it was necessary to have a reburial ceremony-that it takes time and it can be an all day ceremony;—Jim Oldendahl [sic] argued that only two (2) people were scheduled to go down to Sequalitchew […] Jim Oldendahl [sic] said others would have to be informed before the Nisquallies would be allowed to perform such a ceremony (i.e. City of Dupont [sic], Lone Star, David Brentlinger [General Manager of Northwest Landing], etc.). A lot of heated debate went on and it appeared—no matter what we would say it made no difference—we were not to get permission to enter the gates;—We were there to take care if the burials that are inside the fence/gates of the old fort site and do a reburial ceremony; **this did not happen** [emphasis in original]. What I witnessed on 5/24/2000 was not what we agreed upon, we were suppose [sic] to be able to conduct a 'reburial ceremony' with "Dobie" Tom as the spiritual leader along with his family and Hoagie to assist him and the Nisqually Historical Committee along with other members of the Nisqually tribe—instead we were greeted with anger, negative attitude, and double talk [Corwin 2000f].

Weyerhaeuser employee Rodney Proctor, in his 2005 Masters of Urban Planning project report provides a very different view of this offensive and traumatic event, apparently provided to him by Jim Odendahl:

> In May 2000, the Tribe wrote a letter to DOE stating its concerns about "numerous other graves and culturally significant sites that have not been uncovered." (Nisqually Tribe 2000a) During this same time period, a group of tribal members showed up at the cleanup property without an appointment. There were six vehicles and approximately 16 people, and a person with a video camera. *They were not allowed on site due to their number and also there was no one available to escort them around the site.* (James Odendahl 2000a) [Proctor 2005:19; emphasis added].

This is a far cry from not being allowed on the site because of safety and security concerns and the lack of bathroom facilities, as Odendahl had informed Tribal representatives was the rationale for denying them access. Additionally, Odendahl had apparently not been truthful in telling Proctor that these "visitors" had no appointment, as Corwin had made an appointment with Odendahl himself.

salaʔtuƀkʷ Leonard Squally provided me a copy of a document written by Odendahl titled *Quarterly Report to the State Office of Historic Preservation—DuPont WA Site*, which is addressed to SHPO Allyson Brooks. Odendahl states, "Per your request, the following report on historical and archaeological actions at Weyerhaeuser's DuPont Site during January—March 2000, is being submitted" (Odendahl letter to Brooks, March 31, 2000, document in possession of salaʔtuƀkʷ Leonard Squally). I have as yet been unable to locate any agreement or communication with OAHP pertaining to the SHPO's request for quarterly reports. The "report" consists of a two-and-a-half page table providing brief entries pertaining to: monitoring efforts undertaken by Richard Daugherty between January and March of 2000; a presentation to the OAHP and the Advisory Council; and meetings with various named and unnamed members of the Nisqually Tribe and Nisqually Tribal staff. A number of these latter entries are instructive: The entry for 2/8/2000 reads "Nisqually Tribe Culture Committee tour of the shell midden Site 45-PI-72 conducted by Dr. Daugherty. Nisqually Tribe expressed desire to have a buffer around the shell midden site. Weyerhaeuser and WRECO had already planned for a buffer and a detailed

is [sic] being prepared" (Odendahl letter to Brooks, March 31, 2000, document in possession of salaʔtuʔkʷ Leonard Squally). Corwin makes no mention of this tour in his notes, and salaʔtuʔkʷ Leonard Squally, who was the Chairman of the Tribe's Historical Committee, was not informed of the tour which should not have taken place without him being in attendance. The entry listed for 2/10/2000 states that archaeological maps of the DuPont vicinity were given to Cecilia Carpenter and Tribal employee David Troutt. The entry for 2/21/2000 states that "Two members of the Nisqually Tribe appeared at the site with concerns about protection of the Native American sites. When they were shown the draft EIS, they agreed the sites would be adequately protected" (Odendahl letter to Brooks, March 31, 2000, document in possession of salaʔtuʔkʷ Leonard Squally). Again, this visit is not noted in any of Corwin's reports.

The entry for 2/17/2000 raises a number of issues which will be discussed throughout the remainder of this work. Odendahl's entry for this date states that "Cynthia Iyall Peabody of the Nisqually Tribe Culture Committee met with Jim Odendahl, Dave Brentlinger, Greg Moore, and Dr. Daugherty in order to get acquainted and discuss ways to protect Native American sites and open communication channels" (Odendahl letter to Brooks, March 31, 2000, document in possession of salaʔtuʔkʷ Leonard Squally). A June 15, 2000 letter from Dave Brentlinger, General Manager of Northwest Landing to Nisqually Tribal attorney Bill Tobin also provides discussion of this meeting. "I have met with representatives of the Nisqually Tribe about this site starting February 17th. At that time we met with Cynthia Iyall Peabody from the tribal council" (Brentlinger letter to Tobin, June 15, 2000, document in possession of salaʔtuʔkʷ Leonard Squally). Cynthia Iyall Peabody had begun working as the Tribe's Senior Economic Development Planner in 1996, and was elected to the Tribal Council in 1997, serving for three years. I will return to a discussion of current Tribal Chair Cynthia Iyall's (*sans* Peabody)

approach to governance in the conclusion of this work. It does, however, bear mentioning at this juncture that prior to becoming the Tribe's Senior Economic Development Planner and a member of the Tribal Council, Iyall "worked seven years for Weyerhaeuser as an executive assistant in corporate services" (Kluger 2011:275). This is a rather notable fact in light of the near complete reversal that would occur, as discussed in the next chapter, in the "official" Tribal response to the continued acts of Settler colonial structural genocide being committed by Weyerhaeuser and other corporations, along countless local, state and federal agencies, against the sqʷaliʔabs/Nisqually people, and the ecological, cultural, and spiritual devastation wrought upon the ancestral village landscape of sčəgʷaliču/Sequalitchew.

Brentlinger's letter to Tobin also contains references to a March 23, 2000 meeting with Cynthia Iyall Peabody and Cecilia Carpenter that was omitted from Odendahl's report to the SHPO, the purpose of which "was a site visit of the Center Drive area of known graves" (Brentlinger letter to Tobin, June 15, 2000, document in possession of salaʔtuƀkʔ Leonard Squally). In his letter, Brentlinger also states that, "On May 16, I met with Tribal representatives Leonard Squally, Gilly Corwin and Allen Fraser [sic]. In that meeting I provided them with another copy of the midden site and planned buffers and reiterated my understanding that the tribe wished that the midden site be left unfenced" (Brentlinger letter to Tobin, June 15, 2000, document in possession of salaʔtuƀkʔ Leonard Squally). Once again, there is no mention of this May 16, 2000 meeting in any of Gilly Corwin's reports to the Tribe, nor does salaʔtuƀkʔ Leonard Squally remember a meeting of this nature prior to the failed attempt to undertake the reburial ceremony just over a week later. Recall from above that in fact, Corwin had contacted Jim Odendahl, not Dave Brentlinger, and spoke with Odendahl over the phone, not in person, on May 16, 2000.

In the meantime, on February 18, 2000, the DEIS pertaining to the clean-up of toxins at *Former DuPont Works Site* Parcel 1 was issued (Krill letter to Blum, April 11, 2000, document in possession of salətˀuṗkʷ Leonard Squally). While I have been unable to obtain copies of the DEIS, the FEIS issued five months later and the comment letters on the DEIS which it incorporates provide some analysis of the DEIS:

> As co-sponsors of this project proposal, the Weyerhaeuser Company and the DuPont Company propose remediating the site (Parcel 1), which would allow a variety of subsequent land uses in specific areas, such as a golf course commercial, industrial or open space. This plan includes consolidating and capping/containing contaminated soil into specific locations that would be suitable for future development as an operational golf course. The plan to contain the contaminated soil under a cap resulted after an extensive review of reasonable cleanup alternatives […] and after many years of discussions between Ecology and the companies. The golf course/containment facility has also been discussed in public forums for many years [URS Company 2000a:1-2].

The issuance of the DEIS triggered an avalanche of comment letters, as well as a well-attended public commentary meeting on March 20, 2000. The seemingly immutable fact that a golf course was to be part of site remediation did not sit well with the City of DuPont. In fact, it seems that the City was not happy with any of the proposal: "After reviewing the February 18, 2000 DEIS, we are convinced that DOE completely ignored all of our concerns" (Krill letter to Blum, April 11, 2000, document in possession of salətˀuṗkʷ Leonard Squally). Noting that the DOE states in the introduction to the DEIS that the study "should not be viewed as a SEPA analysis for a golf course," Mayor Krill[120] then asserts that, "However, DOE frequently references the foregone conclusion that a golf course will be the eventual development of the property, and that it is an integral part of the remediation project" (Krill letter to Blum, April 11, 2000, document in possession of salətˀuṗkʷ Leonard Squally).

[120] Mayor Judy Krill appears to be the same Judith Krill who, along with her husband had filed and subsequently dropped a lawsuit pertaining to the gravel mine, noted in the previous chapter.

Mayor Krill further criticizes the DOE for its "impermissible 'piecemealing' of SEPA review, and deferral of the land use issues to a point where development of a golf course will be a foregone conclusion" (Krill letter to Blum, April 11, 2000, document in possession of salətˀuɬkʷ Leonard Squally). Krill provides an extensive detailing of the City's objections, including the fact that the DOE: "has failed to comply with SEPA in its lack of consideration of other alternatives;" that the "DOE's consideration of the clean-up alternatives merely addresses one aspect of the proposal—what would be the best method of allowing clean-up to take place. It does not address the question whether there are significant environmental impacts related to clean-up activities;" that the City was "surprised to see areas that may not need remediation would be clear-cut and stripped because it was assumed less expensive to move soil than to test it;" and "Finally, we believe that there will be far-reaching impacts on cultural and historic resources," a concern to which the City requested the DOE respond to in its FEIS (Krill letter to Blum, April 11, 2000, document in possession of salətˀuɬkʷ Leonard Squally).

An extensive twelve-page comment letter was also submitted by the DuPont Toxics Citizens Oversight Project [DToxCOP] which lambasted the DEIS for its many shortcomings, including the fact that the DEIS was incomplete because it was limited to a "conceptual" or "programmatic" evaluation rather than an evaluation of proposed impacts; that the DEIS omitted necessary information, as "the yet-to-be-issued RI and FS reports and related site activities (e.g., interim cleanup actions) must be summarized and presented with the DEIS document" in order for the public to make fully-informed commentary; the inappropriate omission from the DEIS of "any analysis of land use impacts;" the fact that the DEIS "appears to confound a golf course development project with a MTCA cleanup process;" the lack of consideration of impacts to site hydrology caused by removal of soils and existing vegetation; and a two-page series of

comments pertaining to the inadequacy of analysis of potential impacts to historic and cultural resources (DToxCOP letter to Blum, April 3, 2000, document in possession of salətʼuṗkʷ Leonard Squally).

The inadequate consideration of cultural and historic resources was the main subject addressed within the majority of DEIS comment letters from private citizens and historic preservation groups and professionals. SHPO Allyson Brooks' comment letter provides some insight into the problems with this portion of the DEIS:

> We have reviewed the document and have some concerns about the historic and cultural resources section. Please identify the author of this chapter. As noted in the Draft EIS, the property contains a significant collection of Native American, Hudson's Bay Company, American Pioneer and industrial archaeological and historic sites. For example, the oldest dated Native American coastal occupation in the State of Washington is on the property. *The site, dated at approximately 6,000 BP, represents both significant archaeological and scientific information about the early coastal use of Puget Sound and a significant cultural site for the Nisqually Tribe. Most importantly, there are a number of tribal burial sites present* […] Your report has site 45-PI-74 not eligible. *This is inaccurate* […] At the last Washington State Advisory Council On Historic Preservation Meeting on January 28, both the 1843 Fort Nisqually Site and the Nisqually-Sequalitchew Historic District were nominated to the National Register of Historic Places and the Washington Heritage Register. *This affords a higher level of protection under state law, which should be reflected in your document* […] During the late 1980's, the Office of Archaeology and Historic Preservation (OAHP) worked with Weyerhaeuser and the City of DuPont to develop a comprehensive management plan for the cultural resources. *As per our discussion, this management plan is not being properly implemented* [Brooks letter to Mauermann, March 14, 2000, document in possession of salətʼuṗkʷ Leonard Squally; emphasis added].

It wasn't only the OAHP that had serious concerns about impacts to cultural and historic resources. A number of professional archaeologists submitted comment letters criticizing the DEIS. One of the most detailed is a six-page letter from archaeologist Leland Stilson in which he stated that "Quite simply, the Historical and Cultural Resources section of the Draft is inaccurate, incomplete, and inadequate" (Stilson letter to Blum, March 18, 2000, document in possession of salətʼuṗkʷ Leonard Squally). Stilson critiques the analysis of six previously recorded sites along

with the DOE's lack of attention to unknown cultural and historic resources. Stilson closes his letter by stating that, "The Mitigation Measures on page 3-20 should stipulate that a competent historic archaeologist will develop and implement the investigative/survey plan for locations/areas/sites to be excavated/cleared. This has not occurred to this point in time. This should be done before logging occurs in the project area" (Stilson letter to Blum, March 18, 2000 document in possession of salətʼuṗkʷ Leonard Squally; emphasis in original). Again, there are clearly a number of archaeologists who consider the majority of cultural resource investigations that have taken place within the sčəgʷaliču/Sequalitchew village ancestral landscape to be woefully inadequate.

Nisqually Tribal attorney Bill Tobin drafted the Tribe's official comment letter, similarly noting that the DEIS had not considered the impacts of any planned future activities. "Without consideration of these impacts, the DEIS is only taking into account a portion of the overall project. The project proponents should not be allowed to minimize the impacts of the overall project by dividing the project into smaller segments and going through the environmental review process separately for each segment" (Tobin letter to Blum, April 12, 2000, document in possession of salətʼuṗkʷ Leonard Squally). Tobin continues:

> The DEIS states that no probable significant adverse impacts were identified for the elements of earth, and land and shoreline uses, primarily because the proposed action will be temporary and remedial actions are underway. This seems incorrect. *Clearly there are adverse impacts to earth and land and shoreline uses when you clear an area and remove the soil and all vegetation*. The fact that the damaging actions have already begun in the area does not mean that those impacts should not be considered [Tobin letter to Blum, April 12, 2000, document in possession of salətʼuṗkʷ Leonard Squally; emphasis added].

Tobin in fact identified one of the major issues with the entire toxics remediation process being undertaken in accordance with the MTCA:

> The DEIS states that the no action alternative is not allowed under the Model Toxics Control Act. We have reviewed the Act and do not believe that statement is accurate. The

> no action alternative is allowed by the Act if the land stays in its current state. *The no action alternative is not being considered in the DEIS because it is assumed that Weyerhaeuser should be allowed to develop the property* [Tobin letter to Blum, April 12, 2000, document in possession of salətʼuɬkʷ Leonard Squally; emphasis added].

It wasn't just that the golf course was a foregone conclusion; the entire remediation process was only mandated under the MTCA when further development of the area was to be allowed. It appears as though Weyerhaeuser and the DOE had struck a Faustian bargain which "compelled" the industrial exploitation of the ancestral village landscape of sčəgʷaliču/Sequalitchew under state law.

Tobin's comments detail inadequacies in the consideration of impacts to wildlife, native plants, wildlife habitat, surface water, groundwater, impacts of the use of pesticides and herbicides on the golf course, and the unspecified future planned "industrial" uses of the site. Tobin was no less searing when it came to the inadequacy of the DEIS as it pertained to the consideration of impacts to historic and cultural resources:

> [T]he DEIS incorrectly states that the alternatives are the same in regard to historical and cultural impacts. A golf course will have much greater impact than allowing site to return to natural state […] The Department of Ecology has allowed interim clean-up actions on the site and near the creek without an environmental/cultural impact assessment. These activities should cease until protections are in place to ensure that historical and cultural sites are being protected and that no permanent environmental damage is taking place […] The DEIS states that it is "possible" that cultural resources may exist in places other than known sites. This is not only possible, it is probable. The land was a major site for Native Americans for 5000 years. There are certainly cultural sites other than those few which have been identified and/or destroyed and it is likely that graves or artifacts will be uncovered during the excavation […] At a minimum, Weyerhaeuser should be required to provide funds for Nisqually representatives to be on site during the entire project and extensive archaeological surveys should be done on the entire area before excavation begins […] Greater setbacks and buffer zones should also be required for both known and unknown sites […] The DEIS states that there will be no unavoidable significant impacts to historic and cultural resources if mitigation measures are followed. This is clearly inaccurate. Under the preferred alternative, a site with 5000 years of historical and cultural significance to the Nisqually Tribe is being cleared of all its natural vegetation and being turned into a golf course surrounded by residences and commercial activities. The DEIS bases the significance of the impact on the number of artifacts it predicts an archaeologists [sic] would find. This is not an accurate way to consider cultural impact.

> Any disruption of the natural state of the area will have an historical and cultural impact [Tobin letter to Blum, April 12, 2000, document in possession of salaʔtuʔkʷ Leonard Squally].

Recall that, as discussed in a previous chapter, the "5000 year old site" 45-PI-72 contains the skeletal remains of at least one sqʷaliʔabs/Nisqually ancestor and that the Nisqually Tribe was not aware of the presence of this person within the ancient shell midden at this time.

Shortly after the issuance of the DEIS and the hiring of salaʔtuʔkʷ Leonard Squally by the Nisqually Tribe as a Cultural Resource Monitor, Weyerhaeuser's DuPont Site Manager Jim Odendahl wrote to then Tribal Chairwoman Stephanie Scott with a request: "Would you please advise us of the position or role that Leonard Squally holds as far as speaking for or representing the Nisqually Tribe? He has come to this site several times with concerns about burials on the property. *We know of none*" (Odendahl letter to Scott, April 7, 2000, document in possession of salaʔtuʔkʷ Leonard Squally; emphasis added). It seems that perhaps that Odendahl hoped that the Tribe had forgotten the previous twenty-plus years of archaeological surveys confirming the presence of burials on the property. salaʔtuʔkʷ Leonard Squally recalls:

> Going into that gate [Nisqually Tribal Elder Ken Ross] said there's two burial grounds right in the middle of the road. There was two off to the left of it. I seen them. He said there was one on the right. Goin' in at the main gate. I think he said his brother or his father, one of them showed him. His brother was older than him […] See, me and Gilly was workin'. We went out there and we talked to the archaeologist. And I told him when we were in there, "There's a big burial ground here off to the left." I said, "Well, what's a 'hot-spot' and what's not?" And he wouldn't tell me. He didn't tell me. Gilly was still working with me when I went out there [personal communication 2010].

Janet Creighton relates that the "cordial working relationship" between the sqʷaliʔabs/Nisqually peoples and her husband's genocidal and ecocidal corporation suddenly:

> began to deteriorate, as the Nisqually leaders became distrustful about what was happening at Northwest Landing. They claimed that Weyerhaeuser had historically denied all native people access to hunting, fishing, shellfish gathering, and cultural resources granted by [sic] treaties. Treaty rights, they asserted, granted access forever. Starting with development in 1979, they contended, Weyerhaeuser had disturbed

> numerous sacred burials, village sites, shell middens, and artifacts pertaining to their culture. As a result, the tribe began putting pressure on OAHP and the Weyerhaeuser Company, and began questioning how the archaeological firm was carrying out their research [Creighton 2004:157].

salətˀuɬkʷ Leonard Squally was more than willing to fight to protect his ancestors, and the sacred places and spiritual, emotional, and physical well-being of his people, just as his grandfather Peter Kalama had done.

Creighton asserts that numerous meetings were held with Tribal representatives regarding the intent of the Weyerhaeuser and DuPont companies to do everything within their power to assure "that Native American cultural resources would be adequately protected" during toxics remediation, despite the fact that remediation had been taking place for almost fifteen years without adequate environmental or cultural resources review (Creighton 2004:156).

> State laws had been addressed by previous studies and activities in combination with the mitigation measures identified in the EIS. The Nisqually Tribe, however, claimed rights of access to the area in order to monitor the remediation process, believing that bones were in or near that vicinity, and that previous studies had not completely identified all possible artifacts and burial sites. The Nisquallies did not believe that the mitigation measures proposed in the EIS were sufficient, and they wished to supplement them with tribal oversight and involvement. For precautionary purposes, Weyerhaeuser and DuPont, both responsible for the cleanup, had already authorized the presence of, and payment for, an on-site archaeologist during remediation to represent the tribe's interest. The Nisquallies, however, requested that additional personnel be present, that remediation activity be videotaped, and that the companies fund a "burning ceremony" [Creighton 2004:157].

The sqʷaliʔabs/Nisqually leadership not only "believed" that ancestors were buried within the site, *it was a fact* supported by the investigations of Gary Wessen into Blukis Onat et al.'s (1977) field notes pertaining to her inspection of 45-PI-72, although as noted, the Tribe was not yet aware of Wessen's findings. I will return shortly to a discussion of the Burning Ceremony mentioned in Creighton's excerpt, but will state here that in her dissertation, Janet Creighton provides not only excerpts from a description of the ceremony given to Weyerhaeuser officials

by the Nisqually Tribe (which she notes as a "Handout flyer at the burning ceremony, in possession of the author" (Creighton 2004:158)), she also includes the *budget* proposed for this extensive, private, and necessary spiritual undertaking, which was presented to Weyerhaeuser officials on April 17, 2000, according to Creighton's inaccurate reckoning (Creighton 2004). And then she *complains* about it, as I will discuss below.

On May 2, 2000 Tribal attorney Bill Tobin sent a letter addressed to Odendahl and Brentlinger regarding sqʷaliʔabs/Nisqually cultural resource concerns. In this letter, Tobin reiterates the Tribe's understandings as a result of an April 20, 2000 meeting with Tobin and a handful of Tribal representatives. Tobin's letter states in part:

> As you are probably aware, the Tribe has submitted comments to the Department of Ecology on the DEIS for the Consent Decree area. We intend to follow up the concerns expressed in those comments through the SEPA process. However, we did have concerns that under authority of the Consent decree certain actions would be taken that could jeopardize cultural resources before the SEPA process was complete. My understanding based on our conversations on April 20 were that Weyerhaeuser would be taking no further [action] which would disturb the soil in the Consent Decree area until the completion of the SEPA process, approximately one year from now. The sole exception would be forestry activities, which might commence later this summer. Please let me know if my understanding of your intentions is incorrect. The Tribe would be interested in having advanced opportunity to review your Forest Practices Application prior to its submission to DNR. We would also like an advance review opportunity with respect to any cultural resources plans you intend to submit to any governmental agency [Tobin letter to Odendahl and Brentlinger, May 2, 2000, document in possession of salətˀuṗkʷ Leonard Squally].

Tobin informed them that the Tribe will be reviewing a number of areas of concern including the inadequate consideration of the ancient midden at 45-PI-72, the adequacy of buffer zones around sites, the adequacy of previous research, the adequacy of the memoranda of agreement in effect, and "provisions for tribal monitoring of activities" (Tobin letter to Odendahl and Brentlinger, May 2, 2000, document in possession of salətˀuṗkʷ Leonard Squally).

On July 24, 2000, Mike Blum of the State DOE wrote to salətʼuƛ̓kʷ Leonard Squally in response to salətʼuƛ̓kʷ's inquiries regarding the fate of soils that had been "remediated." When I first began working with salətʼuƛ̓kʷ Leonard Squally, he informed me that:

> They said they were gonna scrape that topsoil with a grader. But they put in them earth movers, that D-9 Cat it can go down over four feet! That's how they dug up all them graves. And some of 'em got sent to asphalt. They just got ground up. Them bones just got ground up. That's why there's so many accidents on that freeway right there […] It's in my papers. Everything's in my papers. But I don't know what year it is [personal communication 2003].

In his July 24, 2000 letter, Blum horrifyingly confirms salətʼuƛ̓kʷ Leonard Squally's assertions regarding the fate of any sqʷaliʔabs/Nisqually ancestors and ancestral cultural remains within Parcel 1 and Parcel 2:

> If the petroleum-contaminated soil was primarily sand and gravel, it was treated and then most likely used in the production of asphalt. If it was primarily silt and clay, it was treated and then probably sold for use as fill material. Because of the multiple options for reuse or recycling of the contaminated soil, there is no way to track the final location of those soils [Blum letter to Squally, July 24, 2000, document in possession of salətʼuƛ̓kʷ Leonard Squally].

This is an appalling admission of a genocidal act; an act which salətʼuƛ̓kʷ Leonard Squally and members of his family have repeatedly told me continues to have devastating impacts on the physical, emotional, and spiritual health, well-being, and safety of sqʷaliʔabs/Nisqually peoples.

> Violence, in conventional discourse, is almost exclusively associated with the disorderly actions of deviants and malevolent outsiders; rarely is it applied to the various forms of "legitimate" coercion exercised by the state and its agents in the effort to maintain existing institutions, contain social conflict, or forcibly pursue and defend a particular definition of the collective interest [Soron 2007].

Viewing these widespread desecrations through the lens of Settler colonialism reveals how invasion is not an event, but rather a structure or a living process woven into the very fabric of American society (Wolfe 2006).

On July 28, 2000, the DOE and the URS Company released the FEIS on the cleanup, apparently making minimal changes to the document based on comments that the agency had received on the project (URS Company 2000a). In addition, during that same month, the URS Company issued a draft of their *Former DuPont Works Site Parcel 1 Archaeological and Cultural Resources Protection Plan*, which they had crafted for the companies. This draft plan contains four pages pertaining to site history, a less than one-and-a-half page summary of previous archaeological investigations of the property, scant details of the 1988 Cemetery MOA and the 1989 unsigned MOA with SHPO, and a one paragraph summary of the proposed project (URS Company 2000b, document in possession of salətˀuɬkʷ Leonard Squally). This proposed plan was crafted without any consultation with the Tribe specific to the plan, and it addressed none of the concerns raised by Tribal attorney Bill Tobin. In fact, it did nothing more than repeat the commitments that Weyerhaeuser had already made and did not update any of the previous MOAs.

On August 9, 2000 Weyerhaeuser submitted another FPA to the State DNR, seeking to obtain permission to log more than five hundred acres of the property. The Tribe was not given the opportunity to review the application prior to its submission, as Tribal attorney Bill Tobin had requested. salətˀuɬkʷ Leonard Squally recalls:

> They hired me and Gilly. Me and Alan Frazier went out there and they had the big earth mover, a D-9 Cat pulling it. Two weeks before that we went out there, they didn't have no permit to log. The forestry up by North Bend where they get their permits, their loggin' permits. They didn't have one and me and Alan went out there and they already had a log truck loaded with logs. They called me and said they never issued it. Forestry called [personal communication 2010].

When the Tribe was informed by DNR of Weyerhaeuser's application, they immediately objected. According to DNR, an amendment made by Weyerhaeuser to the application on August 24, 2000 was "not acceptable by the DNR or the Tribe. WAC 222-20-120(2) states—

Where an application involves cultural resources the landowner shall meet with the affected tribe(s) with the objective of agreeing on a plan for protecting the archaeological or cultural value" (DNR Decision Activity Packet 2000:1-2, document in possession of salətʼuɬkʷ Leonard Squally). DNR disapproved of Weyerhaeuser's FPA on September 8, 2000. Weyerhaeuser employee Rodney Proctor had this to say about the refusal of DNR to issue the permit: "The Tribe had stymied the companies' FPA even though the burning ceremony was agreed to in May 2000" (Proctor 2005:20).

Not that the companies' agreement to allow the Burning Ceremony would have even come close to addressing the Tribe's concerns about Weyerhaeuser's FPA. In a comment letter sent by Tribal Chairman John Simmons to Sue Casey at DNR, multiple problems with Weyerhaeuser's application were detailed, none of which had anything to do with the Burning Ceremony. Portions of the seven objections made by the Tribe are as follows:

1) The application should be rejected because it misstates whether there is an affected Indian Tribe that has expressed interest in the project. Question #3 of the FPA's Risk Assessment Review Process asks whether an affected tribe has expressed interest in the area of the proposed activity due to archaeological or cultural issues. *Weyerhaeuser's failure to answer this question in the affirmative is grossly misleading and false*. The Nisqually Tribe has been working with Weyerhaeuser regarding this site for over twenty years and has met with them several times regarding this particular project. The Tribe twice requested in writing that Weyerhaeuser provide the Tribe a copy of this application, however, they did not do so. This application should be rejected because of Weyerhaeuser's knowingly false statement regarding whether there was a tribe interested in the area [emphasis added].

2) The application should not be approved until the agreements with the Nisqually Tribe referenced in the EIS have been finalized. This FPA is not a routine application. It is a step in a larger proposed action for which SEPA compliance is required. Because the FPA is part of a larger project it must be in compliance with the terms and conditions specified in the EIS which had been issued for the project. The EIS for the project states that concerns regarding the disturbance of historical and cultural sites will be addressed in part through Weyerhaeuser's Memorandum of Agreement with the Nisqually Tribe which "will be followed and amended as appropriate." […] Because the original MOA between the Tribe and Weyerhaeuser contemplated a different activity at the site, it is appropriate and necessary to amend the MOA to address the

concerns associated with this new proposal. The Tribe has met with Weyerhaeuser to discuss this issue and preliminary negotiations have taken place. However, to date, a new agreement has not been entered into, decisions regarding buffers have not been made, and many of our concerns about the project are still not addressed. We would also note that the existing MOA states that Weyerhaeuser will give the Tribe 120 days advanced notice of any activity in the area that is likely to disturb the earth. However, despite repeated written requests by the Tribe for the opportunity to review this forest practices application in advance of its submission, Weyerhaeuser did not provide it to us. This suggests that Weyerhaeuser is not acting in good faith regarding the existing MOA and puts into question whether they have real intentions of amending the agreement to address the concerns specific to this project. DNR should not issue […] a permit to Weyerhaeuser until the company fully complies with the terms and conditions identified in the EIS including entering into an updated agreement with the Tribe and implementing the precautionary steps agreed upon.

3) This application is interconnected with clean-up of a hazardous waste site, and should not be approved until a clean-up action plan has been drafted, submitted for public comment and finalized. The application states that the site has been approved for clearing and scraping pursuant to an EIS. However, it is our understanding that the EIS is not the legal vehicle to begin the clean-up of the site and that the project can not proceed until a Feasibility Study and a Clean-up Action Plan have been completed and have received public review. The EIS states that until these documents are completed, it is uncertain which areas of the site will need to be cleared and scraped.

4) The EIS is inadequate because it does not consider the no-action alternative. […]

5) The application should not be approved until a thorough archaeological assessment of the site and a cultural resource protection plan has been finalized. […]

6) The application is unclear as to what activities will be taking place under the auspices of the permit. […]

7) The application may include areas not covered by the EIS [Simmons letter to Casey, September 5, 2000, document in possession of salaʔtuƀkʷ Leonard Squally].

Again, there is no mention of the Burning Ceremony within any of the comments submitted by the Tribe. Proctor seems to believe that these "superstitious" Tribal members wanted to have a ceremony and that they would not allow the approval of the FPA until they were satisfied. Proctor must have quite a distorted image of Indigenous peoples if he cannot conceive of the fact that the Nisqually Tribe had firmly grounded legal objections to Weyerhaeuser's continuing acts

of Settler colonial structural genocide. Alternately, if Proctor does acknowledge the Tribe's legal prowess in his own mind, he is seemingly unwilling to allow his readers to think that the Tribe's objections to the FPA were based on anything other than spiritual and moral concerns, rather than legal requirements.

During the interim, the Tribe had renewed salaʔuɬkʷ Leonard Squally's Cultural Resource Monitor contract to run from August through the end of December 2000. On August 21, 2000, SHPO Allyson Brooks submitted a comment letter to DNR pertaining to Weyerhaeuser's FPA (Brooks letter to Casey, August 21, 2000, document in possession of salaʔuɬkʷ Leonard Squally). Brooks begins by noting the presence of eight historically and culturally significant sites within the project area: 45-PI-67, 45-PI-55, 45-PI-70, 45-PI-73, 45-PI-75; 45-PI-405, 45-PI-72, and 45-PI-404. "Site 45 PI 404 is the Nisqually Burial Site and site 45 PI 67 is the Wilkes Observatory. The presence of these two sites alone will make your application a Class IV special" (Brooks letter to Casey, August 21, 2000, document in possession of salaʔuɬkʷ Leonard Squally). Brooks notes that, "According to your map, 45 PI 72 may also be logged although this site was not mentioned in your cover sheet. This site is the oldest shell midden on Puget Sound" (Brooks letter to Casey, August 21, 2000, document in possession of salaʔuɬkʷ Leonard Squally). Recall this site also contains the remains of at least one sqʷaliʔabs/Nisqually ancestor. Additionally, Brooks states that "Site 45 PI 404 may still contain burials. This will need to be assessed prior to impacting the property. In discussions with our office the Nisqually Tribe has indicated that there are spirits present in the project area that require mitigation. As per the Forest Practice regulations we urge early consultation with the Nisqually Tribe on this issue" (Brooks letter to Casey, August 21, 2000, document in possession

of salaʔtuɬkʷ Leonard Squally). 45-PI-404 is the site from which two ancestors had been ripped from the ground during asbestos removal.

On August 31, 2000, the Tribe's Historical Committee hosted a meeting with Weyerhaeuser and DuPont company representatives. Present at this meeting were salaʔtuɬkʷ Leonard Squally, John Simmons, Zelma McCloud, and Alice McCloud of the Nisqually Tribe, Quinault Nation anthropologist Gilly Corwin, Upper Skagit spiritual advisor Dobie Tom, Stanley Surage of the Bureau of Indian Affairs, Tribal employees Alan Frazier and Joe Cushman, Dave Brentlinger and Jim Odendahl of Weyerhaeuser, Greg Moore of WRECO, and Jeff King from the City of DuPont (Draft Meeting Minutes August 31, 2000, document in possession of salaʔtuɬkʷ Leonard Squally). In regard to the involvement of Stanley Surage of the BIA, Weyerhaeuser employee Rodney Proctor in his 2005 MUP project paper notes that:

> The Tribe decided to go a step further and contact the Bureau of Indian Affairs and went through all its grievances with them. In this regard, the Nisqually Tribal Council drew up Resolution No. 20-2000. It stated in part that Weyerhaeuser had failed to honor parts of its agreement with the Tribe in regard to grave sites, endangered species and growing habitat. It stated that the "Tribe finds it necessary to resort to legal action in order to stop the companies activities at Dupont [sic] Washington." (Bureau of Indian Affairs 2000) [Proctor 2005:20].

As Proctor has done numerous times in his report, he provides an in-text citation that does not have a corresponding bibliographic entry. It is therefore impossible for me to know if Proctor's statements regarding the content of the BIA's communication are accurate.

On the agenda for this meeting were seven items including discussion of the costs of the Burning Ceremony, archaeological monitoring, additional study of the property, monthly communication, a new MOA, restitution for damages, and stopping the development of the golf course (Draft Meeting Minutes August 31, 2000, document in possession of salaʔtuɬkʷ Leonard Squally). In regard to Tribal monitoring of ground disturbance, it is noted that Weyerhaeuser

expected the Tribe to prepare a budget outlining "rates, cost, also time specific locations, earthwork, location (where on sites)" of intended monitoring efforts (Draft Meeting Minutes August 31, 2000, document in possession of salətˀuƀkʷ Leonard Squally). Weyerhaeuser insisted on this useless busy work while they themselves were one of the project proponents and, as such, already had the majority of the necessary information. In regard to additional studies, the Tribe stated that the companies needed to undertake oral historical research with the Tribe's Elders and cultural and historical experts. The minutes speak to the necessity of monthly meetings, and stipulate that "Communications will be to Leonard Squally and John Simmons, Tribal Chairman" (Draft Meeting Minutes August 31, 2000, document in possession of salətˀuƀkʷ Leonard Squally). The need for a new MOA is discussed extensively, as well as the necessity of restitution for damages:

> We believe our cultural recourse [sic], sacred site have been violated. Not just desecration of burial sites […] We will probably move graves. We want Weyerhaeuser to pay for the reburial. We would like cliff site and midden site conveyed to the tribe to protect and be the custodian […] Weyerhaeuser requested description of the gravesites. 28 graves of knoll road through houses on both sides that are to [sic] close. Move more or all [Draft Meeting Minutes August 31, 2000, document in possession of salətˀuƀkʷ Leonard Squally].

Discussion of the golf course in the meeting minutes is limited to two sentences: "Weyerhaeuser has a court order to clean up site. That is why they are putting in a golf course" (Draft Meeting Minutes August 31, 2000, document in possession of salətˀuƀkʷ Leonard Squally).

In a section denoted "Closing Comments," Recording Secretary Marie Kalama makes note of Tribal member Alice McCloud expressing concerns about Richard Daugherty bringing unauthorized Tribal members out to the site to inspect burials and artifacts:

> We have a tribal member that has talked to Dr. Dority [sic]. It is believed that Dr. Dority [sic] took this tribal member to the site of which digging of bone fragment and bead were taken. We would like Dr. Dority [sic] not to be talking with the person. The representatives are Leonard Squally and John Simmons. We want no further digging of

> remains or artifacts. Weyerhaeuser agreed to request [Draft Meeting Minutes August 31, 2000, document in possession of salətʼuɬkʷ Leonard Squally].

Contrary to Marie Kalama's draft meeting minutes, as well as to countless conversations I have had with salətʼuɬkʷ Leonard Squally, and to the decade-long demands of the Tribe that the midden site at 45-PI-72 be left undisturbed are statements within a September 18, 2000 letter from assistant Tribal attorney Christina Cushman to Dave Brentlinger of Weyerhaeuser. In this letter, Cushman states that:

> The Nisqually Tribe would like to express some of their concerns regarding the shell midden located along the bluff outside the southwest corner of the fenced "consent decree" area at Dupont [sic]. The site has a great deal of cultural, historical and spiritual significance for the Nisqually Tribe. The Tribe is concerned that the process used to determine the outer boundary of the site has been inadequate and that the site may be much larger than has been described by Weyerhaeuser's archaeologist. The Tribe also believes the buffer zone around the site should be larger than you have planned. To begin to address these concerns, the Tribe requests that Weyerhaeuser Real Estate Co, hire an archaeologist chosen by the Tribe to evaluate the extent of the shell midden boundaries [Cushman letter to Brentlinger, September 18, 2000, document in possession of salətʼuɬkʷ Leonard Squally].

The Nisqually Tribal Council's new approach to attending to the spiritual, emotional, physical, and cultural well-being of the sqʷaliʔabs/Nisqually peoples is irreconcilable with the approaches taken by salətʼuɬkʷ Leonard Squally. Rodney Proctor tellingly notes that, "Tribal representatives had given different indicators of what the 'primary' concerns were over the last year" (Proctor 2005:21).

On October 12, 2000, Odendahl sent a letter to assistant Tribal attorney Chris Cushman, informing her that "As requested by Mr. Simmons, I am writing to you regarding the discovery of a small Shell Midden along the edge of the road crossing Sequalitchew Creek. ESM, Inc. has completed the survey of the Sequalitchew Creek green belt and the Shell Midden is within this protected area" (Odendahl letter to Cushman, October 12, 2000, document in possession of salətʼuɬkʷ Leonard Squally). This site, designated 45-PI-485, "was first recorded by Richard

Daugherty in 2000. Daugherty reported observations he made from the roadcut exposure, but undertook no other actions at the site" (Wessen 2002:1). As Daugherty did not delineate the boundaries of the site, it was impossible for him, ESM, or Jim Odendahl to know that the site was entirely within the greenbelt along the creek. Odendahl's assurances that the "Weyerhaeuser Company will make sure that there is no disturbance of the site" are empty (Odendahl letter to Cushman, October 12, 2000; document in possession of salətˀuɒkʷ Leonard Squally).

In an October 22, 2000 letter from attorney Chris Cushman to Odendahl pertaining to this newly identified midden, Cushman makes the statement: "Please forward us your report that meets the reporting guidelines of the Office of Archaeology and Historic Preservation" (Cushman letter to Odendahl, October 27, 2000, document in possession of salətˀuɒkʷ Leonard Squally). On December 20, 2000, Odendahl forwarded a copy of Daugherty and Condon's (2000a) *Archaeological Monitoring of the "Hot Spot" Removal Program, the Hazardous Waste Stockpile Areas, and Sand Stockpile Laydown Areas at the Former DuPont Works Site*. There is no site form for the midden included in this report, nor have I located any site form filled out by Daugherty or Condon pertaining to this site in the DAHP database. However, Daugherty makes sure to include an assessment of the validity of his own research: "Finally, while monitoring hot spot soil investigations south of Sequalitchew Creek, no evidence of significant cultural materials was found. This finding suggests that the archaeological surveys by Onat et al. in 1977 and by Western Heritage archaeologists in the Consent Decree area over the past 12 years have been quite thorough" (Daugherty and Condon 2000a:34). An alternate, and far more accurate interpretation is that the surveys undertaken by these particular archaeologists, as pointed out by Gary Wessen in regard to Blukis Onat, et al., and LAAS along with Leland Stilson in regard to both Daugherty and Welch, were completely substandard and inadequate.

Around the time that the small midden at 45-PI-485 was first archaeologically documented, the Tribe started having "difficulty" finding money to pay saləʔuɬkʷ Leonard Squally, according to a photocopy of a Tribal interoffice memorandum which states that there were only enough monies available to carry his contract through December of 2000, that there was no money to renew Gilly Corwin's contract, and that "There were not sufficient funds in the budget to hire Lynn Larsen [sic], based on the above" (Richard Wells memo to Joe Cushman, October 23, 2000, document in possession of saləʔuɬkʷ Leonard Squally). The Tribe wanted to re-hire Larson to undertake archaeological compliance work at sčəgʷaliču/Sequalitchew, and Weyerhaeuser had already agreed to fund an archaeologist of the Tribe's choosing for this work, but only on a reimbursement basis subject to prior approval by Weyerhaeuser. In an October 24, 2000 memo to the Tribal Council and the Tribe's Historical Committee, assistant Tribal attorney Chris Cushman discusses two conversations that she had with "Joe Mentor, an attorney who has been designated by Weyerhaeuser as their contact person for the issues at Dupont [sic]" (Cushman memo to Nisqually Tribal Council and Historical Committee, October 24, 2000, document in possession of saləʔuɬkʷ Leonard Squally). According to Cushman's memo, she and Mentor discussed the Burning Ceremony and:

> After our meeting, Mr. Mentor talked to Weyerhaeuser about this idea and they were agreeable. They are asking the corporate office to designate someone to work with the Tribe. While they have not said that they will to [sic] send a check for the amount the Tribe requested, this proposal does succeed in taking the issue out of the hands of the on-site engineers and put it with someone who may be better suited to work on it [Cushman memo to Nisqually Tribal Council and Historical Committee, October 24, 2000, document in possession of saləʔuɬkʷ Leonard Squally].

Cushman also notes in the memo that she and Mentor discussed the Tribe's request for further archaeological study of the ancestral village landscape of sčəgʷaliču/Sequalitchew. Cushman states that:

> Mr. Mentor asked me what studies the Tribe thought should be done and I told him that we had no way of knowing until Lynn Larson was hired and did her work. I told him that the Tribe has been requesting funding from Weyerhaeuser for over two years so that the Tribe could hire someone to do this work and had never received a response. He thought that Weyerhaeuser might be willing to pay for Lynn Larson and requested that I provide him with a scope of work, a budget and her qualifications [Cushman memo to Nisqually Tribal Council and Historical Committee, October 24, 2000, document in possession of salaʔuɬkʷ Leonard Squally].

This may have been what the Tribal Council requested, but it was not something that salaʔuɬkʷ Leonard Squally wanted in the slightest. Rather than further study so that "development" could proceed, he wanted, and still wants, all land disturbance to stop and for Weyerhaeuser to tear down the entire Northwest Landing development.

Rodney Proctor provides a different perspective on these conversations between Cushman and Mentor, provided to him by Mentor in the form of Mentor's notes on the conversation:

> In October of 2000, work began on planning for the burning ceremony and the potlatch that was to follow. Mentor Law Group was hired by the companies to be the point of contact with the Tribe primarily on the proposed burning ceremony. During this process, Mentor Law Group received comments from the Tribe's attorney that the Tribe did not trust Weyerhaeuser and that the company's archaeological consultant did not meet the Tribe's needs. The Tribe explained why the Tribe really needed the burning ceremony: "It is one of the few spiritual traditions the tribe has managed to carry on. The ceremony is used for burials and grave disturbances." The Tribe's attorney also stated that she was concerned that Weyerhaeuser would try to make the burning ceremony a public event. She was assured by Joe Mentor that the companies would respect the spiritual and religious aspects of the ceremony. Notwithstanding the promised burning ceremony, the Tribe continued to have concerns about access to the site and also about the "rush" to get the cleanup completed. The site had been inactive for years and the Tribe felt there was no rush. The Tribe again brought up the need for respect and felt that the relationship between the Tribe and the companies was improving [Proctor 2005:21-22].

Proctor notes that details regarding the Burning Ceremony were being worked out with the Tribe's Historical Committee. The Weyerhaeuser and DuPont companies insisted that the ceremony not be held where the desecrations had taken place within the Consent Decree area as had been requested by the Historical Committee (Proctor 2005). "The companies agreed to pay

for appropriate burning goods and to pay a stipend to the Tribal officials for the ceremony" (Proctor 2005:22). "Tribal officials" were not being paid a "stipend." The traditional cultural and spiritual people undertaking the work of the Burning were to be acknowledged for their help in this dangerous undertaking, and witnesses and cooks were also to be similarly honored. Proctor continues:

> The ceremony was to be followed by a potlatch, which the companies would host. The Tribe would be in charge of selecting appropriate gifts goods for the potlatch. Out of respect to the Tribe's wishes, it was the desire of the companies to not notify the media or have photographers present. It was the companies' hope that these actions would resolve the Tribe's spiritual concerns [Proctor 2005:22].

The spiritual concerns of salətˀuṗkʷ Leonard Squally, the only Nisqually Tribal member to be initiated within the past century into Seowin, were not going to be satisfied until the desecrations stopped.

Janet Creighton also discusses the Burning Ceremony: "Meanwhile, the tribal leaders insisted on a 'feast for the dead' for the twenty-eight burials under the chain-link fence, even though they were not all Native American remains" (Creighton 2004:158). The Burning Ceremony was planned out of respect for all of the ancestors interred within the sčəgʷaliču/Sequalitchew ancestral village landscape, as well as being an attempt to appease their grief and anger, and reduce the potential for great harm to the community. Additionally, the twenty-eight ancestors who had been desecrated by Hart Crowser and Richard Daugherty in 1991 had never been excavated and, contrary to Creighton's statements, there is absolutely no indication in any of the reports pertaining to this extensive burial ground that these people are anything other than Indigenous. It is likely, as noted in a previous chapter, that because these were coffin burials, Creighton presumed that they had to be the graves of Settlers. By the time of

Creighton's dissertation, Daugherty, a member of her Ph.D. supervisory committee, had determined that at least one of these people was sqʷaliʔabs/Nisqually.

Creighton continues: "The Nisquallies explained that continuation of the burning ceremonial, or "feast for the dead" which was the Coast Salish way, had been conducted for thousands of years and that it was essential. As described by the Nisquallies, the ritual included: […]" (Creighton 2004:158). I choose not to provide you with the detailed list of elements of this "ritual" that Creighton provides in her text with a footnote stating: "Handout flyer at the burning ceremony, in possession of author" (Creighton 2004:158, fn 43). Creighton then asserts that "After lengthy consideration, Weyerhaeuser agreed to fund *another* burning ceremony" (Creighton 2004:158; emphasis added). Weyerhaeuser had *never* previously or subsequently provided any monies to fund a second Burning Ceremony. The company had paid for several *re-interments* of desecrated ancestors within the cemetery which they had established for this purpose, the establishment of which, along with reimbursement of the Tribe for the cost of these reburials, was legally mandated by the 1988 Cemetery MOA.

Quinault Nation anthropologist and Tribal consultant Gilly Corwin noted that, "On October 19, 2000 I was notified by my tribal associate, Leonard Squally, that Weyerhaeuser had approved the Nisqually Tribal Historical committee's request" for paying the costs associated with undertaking the Burning Ceremony (Corwin 2000g Progress Report Nisqually Project, document in possession of salətˈuƛ̓kʷ̓ Leonard Squally). On October 30, 2000, assistant Tribal attorney Chris Cushman wrote to Dave Brentlinger regarding the planned development of the area known as Hoffman Hill:

> This letter is a follow up to our previous discussion regarding the planned housing and business development near the archaeological site located outside of the "consent decree" area at Dupont [sic]. It is the Tribe's position that Weyerhaeuser's activities should proceed no further until the Tribe has had the opportunity to assess the area and provide

> information regarding the likelihood that archaeological and cultural resources will be found there. Once we have gathered that information, a plan can be developed for their protection.
>
> We understand that you will be requesting a forest practice permit to log timber in the planned Hoffman Hill development near the archaeological site. As you know, the Memorandum of Understanding[121] between Weyerhaeuser and the Tribe requires that you provide us with 120 days notice of activities which may disturb the soil in the area. Please let us know when you are intending to submit your FPA for the site and provide us a copy of the application at your earliest convenience [Cushman letter to Brentlinger, October 30, 2000, document in possession of salətʼuɬkʷ Leonard Squally].

In regard to this FPA, Proctor states that, "In addition to the burning ceremony, additional actions were taken to improve relations with the Tribe" (Proctor 2005:23). I will return to the first action Proctor discusses in a moment. Regarding the second action, he states that:

> Secondly, commitments were also made about Tribal notifications of residential developments. WRECo [sic] agreed to notify the Tribe whenever there was to be clearing or grubbing due on site. Color-coded maps were sent to the Tribe to indicate the sequence of work that would be forthcoming. WRECo [sic] also stated that all contractors hired would be trained in the protection of cultural resources [Proctor 2005:24].

What Proctor neglects to mention in this report submitted in satisfaction of requirements for a Masters in Urban Planning from the University of Washington is the fact that Weyerhaeuser/WRECO were *legally required* to undertake this action as part of *any* FPA. This action was also required under provisions of the 1983 MOA with the Tribe which, as Allyson Brooks noted in her comment letter pertaining to Weyerhaeuser's August FPA, needed to be updated and tailored to current proposed actions. Weyerhaeuser was also required to satisfy this requirement under the mitigations proposed within the EIS pertaining to toxics cleanup, as Tribal Chair John Simmons noted in his comment letter regarding the September FPA, discussed above. While perhaps there are no UW Urban Planning faculty who are familiar enough with Proctor's research site to have known about the MOA, and possibly the toxics cleanup, I would think that the stipulations of FPA permits would be something with which they are intimately familiar.

[121] It is not an MOU, but an MOA with a higher degree of enforceability.

FPA permits were one of the topics of a December 5, 2000 letter sent to assistant Tribal attorney Cushman by Weyerhaeuser's attorney Joe Mentor. In this letter, Mentor states that "Several issues have arisen over the last several months that require immediate resolution" (Mentor letter to Cushman, December 5, 2000, document in possession of saləʔuɬkʷ Leonard Squally). One of these issues concerned FPAs:

> [T]he companies need for the tribe to review forest practices applications both for the hazardous waste cleanup for the consent decree area, and for development of the Hoffman Hill residential subdivision. I provided a schedule for the projects that shows how important this is, and I am under the impression you agreed with me that this should be an early-action item. The companies are preparing new forest practices applications for both projects. We will forward them to you for review in the very near future [Mentor letter to Cushman, December 5, 2000, document in possession of saləʔuɬkʷ Leonard Squally].

Mentor is rushing the Tribe to review agreements, reminding Cushman of the "importance" of getting the Tribe's approval, when the applications were not even ready for review. Rodney Proctor writes of Mentor's letter in his project paper—in the first of the "actions taken to improve relations with the Tribe" briefly referenced above:

> [A] commitment was made to make different arrangements regarding archaeological services. A list of potential archaeological firms was given to the Tribe for its input and an invitation was issued for the Tribe to visit the site. The companies agreed to pay for the services of Larson Anthropological Archaeological Services (LAAS) with some conditions [Proctor 2005:23].

The list of archaeologists to which Proctor refers in this excerpt was sent to Tribal Chairman John Simmons on September 5, 2000 (Odendahl letter to Simmons, September 5, 2000, document in possession of saləʔuɬkʷ Leonard Squally). In regard to this list, Odendahl wrote: "This is to follow up to our brief discussion on potential archaeology firms for future assistance to Western Heritage during site cleanup. Attached is a revised list of firms we propose to interview […] If the Tribe does not have concerns about any of these firms or individuals, no response is necessary" (Odendahl letter to Simmons, September 5, 2000, document in possession

of salətʼuƀkʷ Leonard Squally). Odendahl's letter and list are referenced in and attached to Mentor's December 5, 2000 letter to Cushman. Neither LAAS nor Larson is on the list. In his letter, Mentor states:

> [T]he companies have requested input from the tribe regarding selection of a project archaeologist for the cleanup project, Again, I have enclosed a copy of a letter to the tribe from Mr. Odendahl, dated September 5, 2000, requesting comment on firms that were under consideration. The companies are proceeding with the selection process. They need the tribe's input as soon as possible, and want to make sure the firm they select can work with the tribe and your consultant [Mentor letter to Cushman, December 5, 2000, document in possession of salətʼuƀkʷ Leonard Squally].

Proctor's states, as noted above, that "A list of potential archaeological firms was given to the Tribe for its input and an invitation was issued for the Tribe to visit the site. The companies agreed to pay for the services of Larson Anthropological Archaeological Services (LAAS) with some conditions" (Proctor 2005:23). Proctor's lack of clarity makes it seem as though Weyerhaeuser was conditionally, but willingly, embracing the idea of hiring Lynn Larson. In fact, Weyerhaeuser/WRECO had been battling the Tribe over Larson's hiring for quite some time as Cushman had stated in her October 24, 2000 memo to the Nisqually Tribal Council and the Tribe's Historical Committee regarding conversations she had with Joe Mentor, discussed above. Recall also from above that in his September 5, 2000 letter to Tribal Chairman John Simmons, Odendahl refers to the "potential archaeology firms" under consideration by the companies "for future assistance to Western Heritage during site cleanup." Janet Creighton reveals that Western Heritage and Richard Daugherty were no longer going to be in the picture at all: "In order to forestall a pending impasse, the firm abandoned its intention to apply for a contract renewal" (Creighton 2004:158).

As for Larson, on November 7, 2000 she had submitted a Scope of Work to the Tribe pertaining to the preparation of an archaeological probability model for the

sčəgʷaliču/Sequalitchew village ancestral landscape, a valuable tool in the protection of previously unidentified sites (Larson 2000 Scope of Work, document in possession of salətʼuṗkʼ Leonard Squally). This Scope of Work had been sent to Weyerhaeuser soon after its drafting. Joe Mentor stated in his December letter to Cushman:

> As you know, the companies have agreed to help the tribe financially to secure technical assistance for cultural resources protection and analysis related to the DuPont hazardous waste cleanup and Northwest Landing development projects. After reviewing the statement of qualifications you sent me, the companies are satisfied that Larson Anthropological Archaeological Services Ltd. (LAAS) can undertake the necessary consultation. They have asked me, however, to express concerns about the proposed scope of work. Specifically, the companies would like to know *how an archaeological probability model would help to address the tribe's concerns about cultural resources—and meet the companies' needs—for the projects*. Second, they'd like to know how the proposed scope of work relates to previous cultural resource studies [Mentor letter to Cushman, December 5, 2000, document in possession of salətʼuṗkʼ Leonard Squally; emphasis added].

As is clear from Larson's Scope of Work itself, LAAS would be intensively reviewing all previously undertaken studies as necessary background for her own work. In addition, Larson stated that "previously recorded hunter-fisher-gatherer archaeological sites would be inspected and contemporary site conditions recorded" (Larson 2000:Subtask 1D). Larson has more than adequately addressed the relationship between her Scope of Work and previous studies. In regard to the archaeological probability model proposed by Larson, as I noted above, probability models are valuable tools in the protection of unrecorded sites. By studying site locations in relation to land and waterforms, archaeological probability models provide a much more logical basis from which to design archaeological surveys than the random pedestrian surveys that had been employed within this landscape for over twenty years. These models also allow developers to better understand the potential for their projects to impact sites through construction, allowing for more conscious design of building footprints with a lower likelihood of adversely impacting previously unidentified archaeological sites (GeoEngineers 2012).

Mentor argues that "All of the studies have been done by reputable professionals, with the tribe's active participation," the first part of which has already been shown to be suspect, and the second part of which was unquestionably false. These "professionals" may have worked with Cecilia Carpenter, but that does not constitute the "tribe's active participation" (Mentor letter to Cushman, December 5, 2000, document in possession of salətˀuƀkʷ Leonard Squally). Mentor continues, "The companies are not willing to pay for studies that are redundant. It will be extremely helpful for Ms. Larson to review the existing studies and to explain how a probability model can be used to complement the studies that already have been done" (Mentor letter to Cushman, December 5, 2000, document in possession of salətˀuƀkʷ Leonard Squally). Surely the companies would have had one of the numerous archaeologists under their hire review Larson's Scope of Work and would have been able to inform the companies of how the probability model would complement previous studies. It is apparent even to a layperson that previous studies contain analyses of sites that had already been located, and that a probability model based on their locations would better enable archaeologists and developers in their efforts to avoid destroying sites.

Rodney Proctor further asserts in his MUP project paper that, "The companies also asked for comments on the Cultural Resources Protection Plan" (Proctor 2005:23). Mentor's December letter to Cushman speaks to this request:

> [T]he companies have requested comments on the Archaeological and Cultural Resources Protection Plan for the former DuPont Works site. The document was prepared by URS Company in July 2000 and fulfills the provisions of the 1989 Memorandum of Agreement between the Washington State Historic Preservation Office (SHPO), Weyerhaeuser and the City of DuPont. Jim Odendahl, DuPont Site Manager, sent 15 copies of the draft plan on July 27, 2000 [Mentor letter to Cushman, December 5, 2000, document in possession of salətˀuƀkʷ Leonard Squally].

As previously noted, the plan to which Mentor refers was crafted without any consultation with the Tribe specific to the plan up through its initial drafting, and it addressed none of the concerns raised by Tribal attorney Bill Tobin. In fact it did nothing more than repeat the commitments that Weyerhaeuser had already made and did not update any of the previous MOAs. Moreover, the companies had already received more than adequate Tribal input regarding ancestral gravesites and cultural resources protection in general from which they could have drawn in reformulating the plan according to the Tribe's previously expressed concerns. Proctor's report states that the companies further requested "the Tribe's agreement on the boundary delineation for the midden" at 45-PI-72 (Proctor 2005:23). Mentor's December letter to Cushman states that:

> [T]he companies would like the tribe's concurrence on delineation of boundaries for an area to protect the shell midden site found on the south side of the consent decree area. Weyerhaeuser Real Estate Company first raised the issue with the Nisqually Tribe at a meeting on February 17, 2000. You asked in a letter dated September 18, 2000 (copy enclosed), for the companies to hire an archaeologist selected by the tribe to conduct this work. *They are willing to use LAAS, but need to know how and when this would be accomplished* [Mentor letter to Cushman, December 5, 2000, document in possession of salaʔuɬkʷ Leonard Squally; emphasis added].

It is unclear why the companies and Mentor were pressuring the Tribe to concur with their own request. Unless, that is, the companies were acknowledging that for at least the previous decade, the Tribe had been insisting that the shell midden at 45-PI-72 be left undisturbed, repeatedly refusing permission for excavation of the site. Despite the Tribe's "official" request for a boundary determination, as noted above, this is not something the salaʔuɬkʷ Leonard Squally wanted to see happen to this sacred midden and burial site. Why a large buffer could not have been placed around the site without a boundary determination is incomprehensible to me. Certainly based solely on the known location of the portion of the site that had been desecrated by Blukis Onat et al. (1977), an adequate buffer could have been established without further

desecrating the site and the person or persons interred within. I will return to the issue of the boundary determination of 45-PI-72 below.

The companies were not going to be forced to reckon with salətʼuɬkʷ Leonard Squally's vast knowledge of the ancestral village landscape of sčəgʷalicu/Sequalitchew, and his willingness to fight for the rights of his people, for very much longer. On November 2, 2000, the Tribe's Historical Committee sent a memo to the Tribal Council noting that:

> At a previous meeting of the Tribal Council, it was decided that Leonard and Gilly Corwin contract [sic] for services would be until the end of December and to compensate Doby [sic] Tom, spiritual leader. Gilly's contract was up at the end of October. Doby [sic] Tom has not been paid for his services. Gilly and Leonard are needed to check, secure, and report back to the Tribe on our ancient and older burial grounds […] Other than Leonard, Gilly and the Historical Committee (when available) there is [sic] no other persons working on those sites except for Squaxin Island Tribe who are involved in three (3) Nisqually burial sites. Lack of funds to keep those individuals employed will prevent us from recording and protecting our burials grounds with in [sic] our territory. We again request to the Tribal Council to fund Leonard and Gilly's position to cover the 10 areas of known burial grounds and compensate Doby [sic] Tom for the Services rendered [Historical Committee memorandum to Nisqually Tribal Council, November 2, 2000, document in possession of salətʼuɬkʷ Leonard Squally].

The Tribe, which had just expanded its casino operations, was seemingly unable or unwilling to fund salətʼuɬkʷ Leonard Squally's efforts to protect sqʷaliʔabs/Nisqually ancestors and culturally and spiritually important places within the ancestral village landscape of sčəgʷaliču/Sequalitchew and had in fact failed to pay Dobie Tom and Gilly Corwin for services they had rendered, both spiritual and anthropological, to the Tribe.

Lest we forget about the Nisqually-Sequalitchew Historical District, the nomination of the district comes to the foreground in December of 2000. Creighton asserts that:

> WRECO and the Point Nisqually Defense Fund negotiated for more than a year, and finally agreed on a historic district containing 330 acres that both could support. This compact proved to be satisfactory to the broad spectrum of non-Native groups. The Nisqually Tribe, however, *chose not to participate* in any of the discussions concerning the historic district or the listing of the 1843 fort [Creighton 2004:169-170; emphasis added].

In point of fact, the Nisqually Tribe had not been *asked* to be involved in the nomination, as Carpenter asserted in her May 1999 letter to SHPO Allyson Brooks, as noted above. Rodney Proctor provides a similar tale:

> In January, 2001, there was a new Memorandum of Agreement. This agreement was between Weyerhaeuser Company, WRECO, the City of Dupont [sic], the Nisqually Point Defense Fund, the Committee for the Preservation of the Nisqually Mission Historical Site, the Nisqually Delta Association, and the Dupont [sic] Historical Society. This agreement set forth a commitment by all parties that a certain portion of the property (primarily the old Fort Nisqually area) would be designated as historically significant. These historic portions of the site were exclusive of the Tribal burial areas and the shell midden site. To that end, all parties agreed that this portion of property may go forward to be included on the National Register of Historical Places as the "Nisqually-Sequalitchew Historic District." Although the Nisqually Tribe decided not to be a party to this agreement, it was aware of what was taking place and that Weyerhaeuser and WRECo [sic] took a step forward and agreed to this designation. It was clearly a positive move towards better relationships amongst all parties [Proctor 2005:24].

Again, the Tribe *was not invited to participate in the preparation of the nomination*. There are a number of additional issues with Proctor's statements. This multi-party MOA was not signed in January of 2001, but on December 20, 2000 (Notice Regarding Historic District Designation and Declaration of Covenant Pierce County Auditor Recording No. 200101120143). Additionally, Proctor's statement that "all parties agreed that this portion of property may go forward to be included on the National Register of Historical Places as the 'Nisqually-Sequalitchew Historic District'" is shown to be completely inaccurate upon a close reading of the MOA regarding the district.

Proctor correctly lists the signatories to this December 20, 2000 MOA. The MOA states that Weyerhaeuser was the owner of the property at the time of the agreement, but that in the future the property would pass to WRECO for inclusion into Northwest Landing (MOA 2000, document in possession of salətˀuɬkʷ Leonard Squally). The MOA stipulated that WRECO and/or Weyerhaeuser must encumber the affected lands with a restrictive covenant which "shall

reference this Memorandum of Agreement, shall specifically declare the rights and obligations contained below in Section #3 regarding the future support of the Historic District and shall be conditioned upon the terms of Section #5" (MOA 2000:1, document in possession of salətʼuɬkʷ Leonard Squally). Section #5 of the MOA acknowledges that the City may be required at a future date to impose additional conditions on the property and that all parties to the MOA "desire […] that the City of DuPont Comprehensive Plan policies and development regulations that relate to cultural resource preservation remain wholly consistent with the terms set forth herein" (MOA 2000:2, document in possession of salətʼuɬkʷ Leonard Squally). The parties agreed "in good faith" to honor the agreement and to oppose future actions by the County, State, or any other entity "that would have more than a minimal material adverse effect on the terms of this Agreement" (MOA 2000:2, document in possession of salətʼuɬkʷ Leonard Squally). The agreement stipulates, however, that if actions are proposed in regard to the property inconsistent with the MOA, "the parties agree to meet to consider means to resolve any conflict posed by such conditions. If the parties fail to resolve the conflict within 90 days then this Agreement shall become null and void and none of the parties shall have any further rights or obligations hereunder" (MOA 2000:4, document in possession of salətʼuɬkʷ Leonard Squally).

This provision left the door wide open for Weyerhaeuser and WRECO to escape responsibility under the MOA. Just in case this massive loophole proved to be insufficient, Section #3 of the Agreement ensured that at the slightest objection to their development plans, and Weyerhaeuser/WRECO and their successors and assigns would be able to renege on the MOA. Section #3 reads in part that:

> WRECO will support the listing of the Property for inclusion on the National Register of Historic Places *once and provided the following conditions are true*: […] c) The City of

> DuPont has *granted final development and/or land use entitlement approvals for the development of all developable portions of the* Property (excluding, for example, open space, sensitive areas and buffers) on terms and conditions satisfactory to WRECO or their successors and assigns, and all applicable periods have expired without the commencement of appeals or all of the appeals have been dismissed and resolved. d) In order to accelerate the listing of the Historic Districts, the overall boundaries of the District may be reduced at the discretion of the NPDF to exclude parcels that have not fulfilled provision 3c [MOA 2000:3, document in possession of sal̓ʊt̓up̓kʷ Leonard Squally; emphasis added].

In my reading of this provision, WRECO, its successors and assigns, basically agree to *object* to the listing until and unless they receive permit approvals with satisfactory conditions from the City for *all planned and future development projects*. Until they stopped building, or tearing down and rebuilding, on all "developable" portions of the district, WRECO and its successors promised to object to the district listing unless the NPDF removed the disputed segment or segments of the property from the nomination. The restrictive covenant on the property was drafted and signed by Weyerhaeuser and WRECO representatives on December 20, 2000, and recorded on January 12, 2001. The purpose of the covenant was to let potential purchasers of property within the boundaries of the district that the listing was imminent and could not be objected to unless the objection "is done in a manner consistent with the MOA, that all conditions of the MOA have been met, and that, during the process of site plan and/or other development approval process, the City of DuPont does not impose any conditions regarding historic resources that are inconsistent with those cited therein" (Pierce County Auditor Recording No. 200101120143). The MOA and the restrictive covenant can hardly be considered as victories for the non-Weyerhaeuser/WRECO signatories who sought the district listing. WRECO continues to object to the listing to this day, as will be discussed in the next chapter.

On February 3, 2001, the Burning Ceremony in honor of desecrated and disturbed ancestors was undertaken on the Weyerhaeuser-held property. Both Proctor and Creighton

provide detailed accounts of this private and sacred ceremony which each of them term a "ritual;" intimate details which should never have been placed in print in publicly available documents. Creighton, as noted above, evidences her utter contempt for sqʷaliʔabs/Nisqually peoples by including the entire budget as an appendix, as well as stating in her text that, "The total cost to Weyerhaeuser who sponsored the ceremony was _____. That same year, the Nisqually Tribe received a sizeable grant from the federal government for the study of its history, cultural traditions, and social practices in conjunction with the creation of Fort Lewis" (Creighton 2004:159). Creighton's inclusion of this information about this federal historic preservation grant, along with the actual grant amount in a footnote, leads me to believe that perhaps she felt that the Nisqually Tribe was only interested in the Burning Ceremony because they are in her mind money hungry.

Rodney Proctor was also an attendee at the Burning Ceremony and served as Weyerhaeuser's official representative. After providing his culturally insensitive account of the ceremony, declares that "it was very successful […] Tribal members concurred that the burning ceremony was a resounding success," and cites a letter of appreciation sent by Tribal Council Member Stephanie Scott as support for this interpretation. salətˀuṗkʏ̓ Leonard Squally and I drove through sčəgʷaliču/Sequalitchew in February of 2010 and he explained: "That's where they had that burning. Where them houses are. That's all burial ground in there. And when they got back there on the left, there's about two hundred, two-fifty. I told council that. *I told 'em everything and they act like I make these things up*" (salətˀuṗkʏ̓ Leonard Squally, personal communication 2010; emphasis added). Traditional cultural and spiritual leaders involved in the ceremony have told me numerous times that the 2001 Burning Ceremony did nothing to appease the desecrated ancestors and other ancestral spirits. The perspectives of these traditional leaders

are unquestionably borne out by the fact that a mere twenty-five days after the Burning Ceremony, the massive Nisqually Quake centered just off the shores of sčəgʷaliču/Sequalitchew indicated that all was not well. Choosing to disturb or desecrate a place because contract archaeologists have determined that it is of no significance to *them* because it has lost its archaeological integrity is a choice of establishing a certain kind of relationship with that place. salətʼuṗkʏ̓ Leonard Squally understands that the ancestors and powers that dwell within the ancestral village landscape of sčəgʷaliču/Sequalitchew grow more angry every day as the relationships that Weyerhaeuser/WRECO and many other entities and individuals, including a number of Tribal members, maintain with them are relationships of disrespect, exploitation, and violence.

This disrespect for sqʷaliʔabs/Nisqually peoples, their ancestors, and the lands, waters, and beings who sustain and are sustained by them becomes crystallized, in my opinion, in the Agreement in Principle [AIP] into which the Tribe entered with the Weyerhaeuser and DuPont Companies on December 10, 2001 (AIP 2001). Beginning in March of 2001, the Tribe's Historical Committee had made a series of recommendations to the Tribal Council regarding "draft elements recommended for inclusion into a new cultural resource protection agreement with Weyerhaeuser" (Nisqually Tribal Historical Committee memorandum to Nisqually Tribal Council, March 6, 2001, document in possession of salətʼuṗkʏ̓ Leonard Squally). On April 5, 2001, Weyerhaeuser's Jim Odendahl sent a letter to Tribal Chairman John Simmons requesting that the Tribe provide the Weyerhaeuser and DuPont companies an opportunity to present their "proposal regarding cultural resource issues related to our cleanup of hazardous waste at the DuPont Consent Decree Site" Odendahl letter to Simmons, April 5, 2001, document in possession of salətʼuṗkʏ̓ Leonard Squally). A meeting was subsequently held at the Nisqually

Tribal Center on April 18, 2001 regarding the companies' offer. Both Creighton and Proctor provide versions of what took place at the meeting and subsequent to this purported "watershed" agreement.

In Creighton's version of events, the companies met with the Tribe "In early April 2001 […] to discuss a possible agreement that would adequately protect Native American cultural resources from disturbance or inadvertent destruction as a result of soil excavation activities during the cleanup of hazardous materials in the Consent Decree Area" (Creighton 2004:170). According to Creighton, the companies' proposal "provided for full-time monitoring of any soil excavation by a qualified archaeologist of the tribe's choosing and reimbursement to the tribe for the time and expenses incurred" (Creighton 2004:171). This is not actually the case, according to a copy of the companies' proposal provided to me by saəʔuƀkʷ Leonard Squally. The proposal states: "Full Time Monitoring: The Companies will pay for the costs of having a qualified archaeologist on a full time basis for monitoring of any soil excavation that initially disturbs in-place soils to depths greater than eight inches and less than three feet in depth" (Proposal to Nisqually Indian Tribe by Weyerhaeuser Company and DuPont Company for Protection of Native American Cultural Resources, April 18, 2001, document in possession of saləʔuƀkʷ Leonard Squally). The companies' agreed to pay for their *own* archaeologist to provide full-time monitoring, and this person was not "of the Tribe's choosing" but chosen by the companies from the short list of candidates they had already identified. The proposal continues: "Tribal Archaeologist: The Companies will reimburse the Tribe for time and expenses incurred by the Tribe's professional archaeologist, Lynn Larson and Associates [sic] Archaeological Services (LAAS) in conducting *periodic audits of excavation work*" [emphasis added] (Proposal to Nisqually Indian Tribe by Weyerhaeuser Company and DuPont Company

for Protection of Native American Cultural Resources, April 18, 2001, document in possession of salətˀuɬkʷ Leonard Squally). These audits were to "take place *no more than twice a week* during period of site work activities, *up to a maximum of 20 hours per week*. More frequent monitoring may be permitted, but the Companies will only pay for twice a week, up to these amount [sic]" (Proposal to Nisqually Indian Tribe by Weyerhaeuser Company and DuPont Company for Protection of Native American Cultural Resources, April 18, 2001, document in possession of salətˀuɬkʷ Leonard Squally; emphasis added).

Creighton continues with her version, one element of which states that "The companies *promised* to pay for a representative of the tribe's Historical Committee for up to $500 per month for consultation and periodic site visits during times when such activities involved soil excavation" [Creighton 2004:170; emphasis added]. Keep in mind that this is only a *proposal*, and did not bind the companies to anything. Creighton does provide accurate summaries of numerous elements of the companies' proposal. However, she also omits some critical information. She makes no mention of the fact that the companies offered to "pay to have a Tribal member as a working part of the Companies' archaeologist's field crew" and that the "Companies' archaeologist must retain this individual directly for tax and liability purposes. Hiring would be from open interviews of individuals referred by the Tribe, at the sole discretion of the archaeologist" (Proposal to Nisqually Indian Tribe by Weyerhaeuser Company and DuPont Company for Protection of Native American Cultural Resources, April 18, 2001, document in possession of salətˀuɬkʷ Leonard Squally).

Creighton also notes in her version of this meeting and proposal that, "the companies agreed to pay for another burning ceremony, including a potlatch dinner, after the remediation

project was completed" (Creighton 2004:170). The companies *proposed* to pay for another Burning Ceremony, but with very specific and culturally offensive caveats:

> The scope of the ceremony and the number of participants will be similar in size to the one held on February 5, 2001, except that that number of gifts for the potlatch will be limited to a fewer number […] When the Tribal Council notifies the Companies of its request for a burning ceremony, the Tribe will include a written cost estimate. This estimate will be will be for all the costs for the ceremony and the feeding portion of this event only, including honorariums. It will not cover gifts. The Companies will review the Tribe's cost estimate to determine what expenses are appropriate for them to pay, and inform the Tribe of its determination. The Companies will be responsible for setting the date of the ceremony, upon consultation with the Tribe. The Tribal Council will designate the recipients of each and every gift at least five days prior to the event, in writing. If not, no gifts will be provided [Proposal to Nisqually Indian Tribe by Weyerhaeuser Company and DuPont Company for Protection of Native American Cultural Resources, April 18, 2001, document in possession of salaṫuṗkʷ Leonard Squally].

It is disturbing that these companies had the audacity to propose these callous, culturally insensitive, and demeaning stipulations pertaining to the provision of gifts, an essential element of Coast Salish ʔacilɬtalbix$^{w}$/First Peoples' spiritual and political lifeways. I will return to this "offer" below and continue here with Creighton's assertions:

> Many believed that this proposal represented a good faith effort of Weyerhaeuser and DuPont to satisfy the tribe's interests by ensuring that cultural resources would not be harmed by the remediation activities. In exchange, the firms wanted a legally binding commitment that the cleanup could go forward unhindered, and that the approvals, all required to implement the cleanup, including logging permits from the Department of Natural Resources, the detailed cleanup plan, and final endorsement by the Department of Ecology, would not be opposed by the tribe. This agreement from the Nisqually was critical to Weyerhaeuser in order to be in a position to develop the affected land for sale. On April 18, 2001, the Nisqually Tribe, the Weyerhaeuser Company, and DuPont signed the document. Consequently, as the end of 2001 approached, Weyerhaeuser had reached an agreement with the non-Native interest groups on the definition of the historic district; and, along with DuPont, had reached an agreement with the Nisqually Tribe on the treatment of cultural resources in the hazardous waste remediation area [Creighton 2004:172].

Once again, Creighton provides a footnote at the end of this passage correcting herself, stating that the Agreement in Principle was not signed on April 18, 2001, but on December 10, 2001

(Creighton 2004:172). The Agreement which was signed by the companies bears little resemblance to Creighton's version, as will be discussed shortly.

Rodney Proctor provides an accounting of the negotiations which took place between the Tribe and the Companies between April and December of 2001, which Creighton does not even acknowledge as having occurred (Proctor 2005). As discussions pertaining to the 2001 Agreement in Principle were taking place, letters and memos sent by various individuals during this time speak to Weyerhaeuser's approach to "respectful negotiations," the partial title of Proctor's MUP project paper. On April 5, 2001, archaeologist Lynn Larson of LAAS sent a letter to salaťuṗkʷ Leonard Squally regarding discussions that had been taking place between the Tribe's Historical Committee, of which Leonard was Chair, and LAAS staff pertaining to the treatment of "artifacts" and ancestral human remains that LAAS staff might uncover during boundary determination activities on the sites 45-PI-404 Nisqually Burials and 45-PI-72, the ancient midden and burial site called DuPont Southwest, as well as planned cultural resources work in the Hoffman Hill area (Larson letter to Squally April 5, 2001, document in possession of salaťuṗkʷ Leonard Squally). The Tribal Council planned on having Larson and her team undertake the boundary determination on these two extremely sentitive sites. salaťuṗkʷ Leonard Squally continued to object to this desecration.

On May 9, 2001 Tribal attorney Bill Tobin wrote a letter to the DuPont City Council requesting the City's reconsideration of a Plat Approval Request from Northwest Landing pertaining to the Hoffman Hill subdivision (Tobin letter to DuPont City Council, May 9, 2001, document in possession of salaťuṗkʷ Leonard Squally). In his letter, Tobin details how the Tribe had requested that the plat approval be delayed until after LAAS completed the survey of Hoffman Hill for which Weyerhaeuser had agreed to reimburse the Tribe. The City Council

approved the plat with conditions, Tobin stating that "The approval proceeded on the assumption that no construction would commence until the study was completed" (Tobin letter to DuPont City Council, May 9, 2001, document in possession of salətʼuƀkʷ Leonard Squally). Rather than following the reimbursement agreement that they had with the Tribe, on April 25, 2001, Weyerhaeuser declared that pre-construction survey was a waste of time and money and that they refused to pay for Larson's planned boundary determination studies:

> In summary, Weyerhaeuser's position is that monitoring is the best way to protect cultural resources, and no advance study or survey is necessary. Weyerhaeuser's position is a complete reversal of their position over the past six or seven months. We spent several months negotiating the reimbursement agreement, only to find that Weyerhaeuser had agreed to reimburse any work with an approved task order, they now refused to approve any task orders [Tobin letter to DuPont City Council, May 9, 2001, document in possession of salətʼuƀkʷ Leonard Squally].

Tobin requests that the City revoke its approval of the plat until a preconstruction survey is undertaken. On the following day, Weyerhaeuser's Odendahl wrote to Tribal Chairman John Simmons, informing him that the companies had decided to hire Historical Research Associates [HRA] in combination with Wessen and Associates as their archaeological consultants (Odendahl letter to Simmons, May 10, 2001, document in possession of salətʼuƀkʷ Leonard Squally). In this letter, Odendahl states that:

> Since LAAS' work plan presented to us on 4-18-2001 (Work Order A-2) included the preparation of a work plan to verify the Midden boundaries; we would like to eliminate any redundancy by having LAAS stop work on this task immediately. We see no need for two plans for the same task. With this letter we are advising the Tribe that we are not agreeing to reimburse any cost accrued on this task by LAAS after May 11, 2001 [Odendahl letter to Simmon, May 10, 2001, document in possession of salətʼuƀkʷ Leonard Squally].

The Tribe wanted LAAS to undertake the boundary determination because they had been made aware of the poor quality of research that had been previously conducted by archaeologists under contract to Weyerhaeuser.

Weyerhaeuser's Greg Moore forwarded a copy of HRA and Wessen and Associates' planned scope of work for the 45-PI-72 boundary determination, consisting of a slightly longer than one page summary and a budget, to Tribal Chairman John Simmons on the day after Odendahl's letter (Wessen 2001 attached to Moore letter to Simmons, May 11, 2001, document in possession of salətˀuƀkʷ Leonard Squally). Attached to the Scope of Work is a letter from Moore in which he states that, "We are submitting the scope of work to your office for a courtesy review. In addition we are also sending the sope of work to the Office of Archaeology and Historic Preservation for courtesy review" (Moore letter to Simmons, May 11, 2001, document in possession of salətˀuƀkʷ Leonard Squally). The Nisqually Tribe had Lynn Larson examine the scope of work and advise them as to how to proceed. In a letter to Tribal Chairman John Simmons, Larson states in part that:

> Allyson Brooks, the State Historic Preservation Officer, had indicated to me that it is necessary to complete a Washington State Archaeological Excavation Permit application to determine boundaries of known sites […] I am not clear if this is a permit application. If it is, it is lacking substantial elements […] Please be advised that the requirement for a project proponent to have a permit is in the best interests of the Tribe because the Office of Archaeology and Historic Preservation requires Tribal review of every permit application. The review requirement is beyond what Mr. Moore terms "courtesy" review […] The permit application requires a discussion not only of field and analytical methods, but the project proponant's treatment of human remains and proposed curation of artifacts […] The Nisqually Tribe's policies regarding treatment of human remains and curation of artifacts should be included in any permit application. *Please be reminded that human remains have been identified at this site*[122] [Larson letter to Simmons, May 17, 2001, document in possession of salətˀuƀkʷ Leonard Squally; emphasis added].

Because of the known and documented presence of human remains with 45-PI-72, Allyson Brooks should have mandated that HRA and Wessen and Associates obtain an excavation permit. On August 22, 2001, Weyerhaeuser's Greg Moore wrote to Tribal Vice-Chairman Larry Sanchez regarding the boundary determination for 45-PI-72. Moore stated that after consultation

[122] This correspondence was obtained from salətˀuƀkʷ Leonard Squally, and not from DAHP. Therefore I have no idea outside of Larson, Simmons, and Wessen who has knowledge of the presence of this ancestor or ancestors within 45-PI-72.

with the Tribe and with OAHP, they had drafted a revised work plan including the elements which Larson had pointed out were necessary to any excavation permit application (Moore letter to Sanchez, Auguist 22, 2001, document in possession of salətˀuṗkʷ Leonard Squally). Moore stated, however, that, "Because the work described here is not designed to excavate within the archaeological site or to remove archaeological remains, a state archaeological excavation/removal permit is not required" (Moore letter to Sanchez, August 22, 2001, document in possession of salətˀuṗkʷ Leonard Squally). Moore asks for the Tribe's comments on the revised sope of work by September 21, 2001.

Gary Wessen was slated to undertake the boundary determination and he, without question, knew of the presence of human remains with 45-PI-72. Furthermore, the scope of work for the boundary determination clearly indicates that the approach to testing that would be employed would result in the surface of the midden being desecrated from a point determined to be the boundary by Blukis Onat, et al (1977) and moving towards the smaller boundary determined by Daugherty (undated reference in HRA and Wessen's 2001 scope of work) at 5-meter intervals (Wessen 2001 in Moore letter to Sanchez, August 22, 2001, document in possession of salətˀuṗkʷ Leonard Squally). If cultural remains were encountered, the plan was to dig outward at three-meter intervals until no more cultural materials were encountered. HRA and Wessen and Associates state, as does Moore in his attached lettter, that "Because the work described here is not designed to excavate within an archaeological site or to remove archaeological remains, a state archaeological excavation/removal permit is not required" (Wessen 2001:1 in Moore letter to Sanchez, August 22, 2001, document in possession of salətˀuṗkʷ Leonard Squally). It is astonishing to me that archaeologists are allowed to freely

desecrate sites and burials with countless shovel probes without a permit, so long as they call it a boundary determination rather than an excavation.

If Weyerhaeuser received comments from the Tribe on the Scope of Work, they must have considered and addressed them immediately because on October 13, 2001, Wessen undertook his initial invetigations, sans permit, encountering cultural materials in "Eighty-six of the 168 small shovel test pits," and determined that the site was far larger than any previous archaeologist had indicated (Wessen letter to Moore, October 30, 2001, NADB Document No. 1340753, copies available from DAHP). Wessen drafted and submitted his final report on the boundary determination on December 5, 2001. Five days *after* this determination was made, the Tribe and the Weyerhaeuser and DuPont Companies signed the Agreement in Principle which Creighton erroneoously had been signed on April 18, and then corrects in her footnotes. Rodney Proctor states in his 2005 MUP project paper that:

> Completion of "The Agreement" was a watershed event for the project. It became the basis for accomplishing many significant activities, such as monitoring, archaeological protections, and substantive involvement in the project by official Tribal representatives. Moreover, it provided a mechanism for moving forward on such issues as the eventual ownership of portions of the site once the clean-up project was completed. In less than 30 days after "The Agreement" was signed, the Washington Department of Natural Resources issued the Forest Practices Act permit which allowed for the clearing and grading of the site as the first step in the remediation action plan. It also set the stage for a variety of cooperative efforts like the donation of artifacts to the City of Dupont [sic] and the Washington State History Museums [Proctor 2005:34].

What both Creighton and Proctor conveniently fail to mention is that this agreement is an "Agreement in *Principle*" and, except where otherwise indicated, the vast majority of provisions in this agreement are completely non-enforceable.

This Agreement in Principle [AIP] between the Tribe, and the Weyerhaeuser and DuPont Companies:

> contains three components (designated Sections I, II and III). The first component consists of recitals setting out the concepts underlying the agreement. The second component consists of a statement of principles. *These principles are not legally binding upon the Parties, but describe specific items that the Parties agree through this document to commit to ongoing discussions with the goal of reaching legally binding agreements.* The third component consists of an agreement to convey property in exchange for support by the Tribe of the Consent Decree's Forest Practices Approval and the Consent Decree's Cleanup Action Plan. It is the intent of the Parties that this third component be legally binding upon them, and subject to specific enforcement in addition to any other legal entities [AIP 2001:1; emphasis added].

As the opening passages of the AIP clearly state, the Weyerhaeuser and DuPont Companies had largely agreed only to further negotiations. Until I read and explained this AIP to salətˀuɬkʷ Leonard Squally, he had been under the impression that the companies were legally bound to fulfill the stipulations within Section II of the agreement. Needless to say, he was outraged that the Tribe and/or the Tribe's legal department had agreed to reverse their objections to the FPA and site cleanup for the promise of two small tracts of land, as discussed below, which would not be returned to the Tribe until 2008. Contrary to salətˀuɬkʷ Leonard Squally's understanding the Weyerhaeuser and DuPont companies did not agree to fund Larson full-time, or to reimburse the Tribe for his own work and that of Gilly Corwin and Dobie Tom. In addition to land transfers at an unspecified future date, in effect the companies only agreed to further negotiations about archaeological monitoring and testing, site determination, cleanup site access, reimbursement of the Tribe for a *reduced* 16 hours per week of company-pre-approved auditing work undertaken by the Tribe's archaeologist, and negotiations regarding additional potential property transfers (AIP 2001).

The only legally enforceable provisions of the agreement pertain to quelling tribal objection to the cleanup project by transferring ownership of a tiny portion of the ancient midden at 45-PI-72 (according to notes which I took during a 2003 Tribal council meeting, the Tribal Council believed that the Tribe owned the entire midden) and 45-PI-404. In regard to 45-PI-72,

Weyerhaeuser agreed to transfer title to the small portion of the midden within Consent Decree Parcel 1, after cleanup, in exchange for the Tribe's support of the companies' FPA for the parcel (AIP 2001). In regard to 45-PI-404, Weyerhaeuser agreed to transfer title to the site after cleanup, provided the Tribe "support[ed] the Companies' Cleanup Action Plan issued by Ecology" (AIP 2000:5). In closing, the AIP provides, within Section III, legally binding provisions pertaining to the commencement of "good faith negotiations and preparation of the necessary legally binding agreements and such other work plans, criteria, work orders, studies, protocols and documents necessary to implement the principles stated in Section II of this Agreement in Principle" (AIP 2001:5). The Parties further agreed to develop a timetable for negotiation within fifteen days of the AIP being signed.

Rodney Proctor states in his 2005 MUP project paper that:

> Completion of "The Agreement" was a watershed event for the project. It became the basis for accomplishing many significant activities, such as monitoring, archaeological protections, and substantive involvement in the project by official Tribal representatives. Moreover, it provided a mechanism for moving forward on such issues as the eventual ownership of portions of the site once the clean-up project was completed. In less than 30 days after "The Agreement" was signed, the Washington Department of Natural Resources issued the Forest Practices Act permit which allowed for the clearing and grading of the site as the first step in the remediation action plan. It also set the stage for a variety of cooperative efforts like the donation of artifacts to the City of Dupont [sic] and the Washington State History Museums [Proctor 2005:34].

What is blatantly obvious to me from this agreement is that if the companies were willing to transfer title to these properties to the Tribe, then the Tribe was in a far better bargaining position that is indicated by the rest of the agreement. It seems as though the Tribe had brought the cleanup of Parcel 1 to a standstill with their FPA objections. Why they did not continue to pressure Weyerhaeuser into a legally binding agreement pertaining to the protection of all sites at this time, both known and as yet to be documented is unclear. Settler colonialism "encourages the systematic denial of the human rights and sovereignty of indigenous peoples in their own

homelands. To justify and legitimate their domination, settler colonial states construct ideological narratives and legal frameworks that gradually eliminate the existence of the native population through assimilation into the dominant culture," and the erasure and/or appropriation of the physical manifestations of our ancient ancestral ties within our stolen homelands (Gilio-Whitaker 2012). The Agreement in Principle effectively undermined everything that salətˀuṗkʷ Leonard Squally had been fighting for, the Tribe either not understanding that the companies had agreed to very little because Tribal attorneys had not adequately explained the document, or perhaps there were other reasons for the Tribe's capitulation to the companies. As the remainder of the story unfolds, you will be able to make that judgment on your own.

**Chapter 9: He Knew Too Much**

As 2001 was drawing to a close, the City of DuPont released its 2001 Comprehensive Land Use Plan [CLUP] mandated under the Growth Management Act of 1990 (City of DuPont 2001). Owing to the fact that residential, school and park uses were now prohibited in many of the areas impacted by the Consent Decree, "most of the effort in the Plan is devoted to reallocating residential units and parks from the consent decree area to other areas of the City and creating a new residential neighborhood north of Sequalitchew Creek" (City of DuPont 2001:P-3). As late as November of 2001 when this CLUP was released: "The majority of DuPont is still undeveloped and largely covered with second growth forest" (City of DuPont 2001:P-8). The plan details: six residential areas including Historic Village, Palisade Village, Yehle Park Village, Hoffman Hill Village, Edmond Village, and Sequalitchew Village; two mixed-use areas including DuPont Station (a mixture of residential, commercial, and public uses) and Civic Center (largely devoted to municipal and potentially office and commercial uses); the Old Fort Lake Business and Technology Park; and the Manufacturing/Research Park and Industrial Area (City of DuPont 2001). The 2001 CLUP also provides goals and policies for the City pertaining to land use, economic development, natural environment and sensitive areas, parks and recreation, housing, transportation, capital facilities, essential public facilities, utilities, and cultural resources (City of DuPont 2001).

As the City of DuPont was articulating a new vision for itself, the State of Washington once again reconfigured the state's historic preservation landscape. A series of bills were introduced in regard to strengthening protections for cultural resources, culminating in the passage of SHB 1189 in March of 2002. This bill made the intentional disturbance of archaeological and historical sites a Class C felony and empowered the director of the

Department of Community Development [DCD] to impose additional civil penalties of up to $5,000, as well as to confiscate all illegally attained artifacts (Creighton 2004). The director of the DCD was instructed to collaborate with Tribal Nations regarding the development of new guidelines for processing and issuing excavation permits, and a more detailed Tribal notification process was elaborated (Creighton 2004). "In addition, the director was to give great weight to the applicant's record of previous civil or criminal violations before granting a permit" (Creighton 2004:43). The Office of Archaeology and Historic Preservation became the primary repository, in place of WARC, for historic preservation related research and documentation, as well as "collections" of ʔaciɬtalbix$^{w}$/First Peoples' cultural patrimony.

The following month, HRA published its *Interim Archaeological Monitoring Report for the Former DuPont Works Site Parcel 1* as per the stipulations of the 1989 MOA between Weyerhaeuser, SHPO, and the City (Maass 2002). In this report, it is noted that HRA was in the midst of "preparing a comprehensive Archaeological and Cultural Resources Protection Plan […] to help guide site construction workers, other professionals, and Weyerhaeuser staff during remediation and construction work within the Consent Decree boundary area" (Maass 2002:1). The report documents monitoring activities undertaken by HRA staff between June 4 and September 18, 2001, and apparently three months of monitoring was adequate enough to satisfy the SHPO. During this period, HRA monitors documented the desecration of five sites, including three shell middens and a site containing faunal remains, recommending further testing of each (Maass 2002). There was no tribal archaeological monitor active on the site at this time.

Additional archaeological monitoring activities took place between May 6 and September 23, 2002, this time four-and-a-half months out of twelve being deemed sufficient to satisfy the SHPO. These activities are summarized in an HRA report: *2002 Field Season Archaeological*

*Monitoring Report for the Former DuPont Works Site Parcel 1, City of DuPont, Pierce County, Washington* (Maass 2003). This report references the December 2001 Agreement in Principle between the Weyerhaeuser and DuPont Companies and the Tribe. There was still no Tribal archaeological monitor on site at this time, and it is interesting that no reference is made to this provision of the Agreement in Principle in HRA's report. HRA staff state that during monitoring efforts, "cultural resources were uncovered at seven locations within the Consent Decree Area," and yet a number of additional locations are discussed in the report (Maass 2003:6). Nine sites are listed as having been disturbed and/or desecrated during 2002, six of which are midden deposits that HRA archaeologists determined "too sparse to require additional investigation or to be considered as archaeological sites" (Maass 2003:15). Because of a Settler archaeologist's determination that these places were not significant to Settler "scientists," they were allowed to be destroyed without any consideration of the significance of these ancient cultural deposits to sqʷaliʔabs/Nisqually peoples, or to the effect of desecration on sqʷaliʔabs/Nisqually community health and well-being.

Monitoring efforts were undertaken by HRA in collaboration with Wessen & Associates in 2003 and 2004, and the report resulting from these efforts, *Archaeological Monitoring Report for the 2003 and 2004 Field Seasons at the Former DuPont Works Site Parcel 1 City of DuPont, Pierce County, Washington*, was published in June of 2005 (Dampf 2005). Monitoring was undertaken between January 3, 2003 and September 17, 2004 by archaeologists and monitors working for both firms and included for the first time Nisqually Tribal member "Joseph Kalama [who] observed the work on behalf of the Nisqually Indian Tribe" (Dampf 2005:6). The Tribe had apparently replaced Elder and Hereditary Chief salətˀuɬkʷ Leonard Squally as the cultural resources monitor protecting the ancestral human and cultural remains, sacred places, and sites

of cultural and historical significance within the ancestral village landscape of sčəgʷalicu/Sequalitchew. salətʼuƀkʏ̓ Leonard Squally had not yet been advised that he had been replaced. In this report, in addition to references to the 1989 MOA and the 2001 Agreement in Principle, the 1988 Cemetery MOA was referenced for the first time in the contexts of these monitoring reports for Parcel 1 (Dampf 2005). The report also notes that:

> HRA applied for and received two blanket Archaeological Excavation Permits from OAHP. The purpose for the blanket permits was to alleviate the duplication that might occur if it were necessary to conduct multiple excavations at the former DuPont Works. Permit No. 04-03 covered excavations to remove burials and Permit No. 03-22 covered test excavations at archaeological sites. Each of the permits required coordination with OAHP and the Nisqually Indian Tribe [Dampf 2005:8].

These blanket excavation permits were issued to cover any sites from which human remains might be purposely excavated, as well as archaeological testing and data recovery.

During the approximately twenty month period discussed in this report, there were nineteen sites disturbed or desecrated through ground disturbance and noticed by monitors. These sites include a number of artifact deposits including stone tools and tool-making debris, numerous shell middens including: 45-PI-713, later determined "not eligible for listing" on the NRHP; 45-PI-576, for which further testing was recommended; and several middens designated only by temporary numbers. In regard to the shell midden at 45-PI-713, the site had first been disturbed in January of 2003 during logging and grubbing activities which were being observed by a monitor (Dampf 2005). The area was flagged and the monitor "instructed loggers and construction workers to avoid it until further investigation" (Dampf 2005:12). Ground clearing was allowed to continue in the immediate vicinity for several more months, during which time more midden deposits were discovered. "The boundaries of the flagged off area were expanded to include these scatters" (Dampf 2005:13). It wasn't until June 11, 2003 that Gary Wessen and Wes Jackson of Wessen and Associates, Tom Becker of HRA, and Joe Kalama of the Nisqually

Tribe undertook a surface inspection of the area. Months later, between February 20 and 24, 2004, the site was repeatedly subjected to surface inspections, shovel tests, and a "limited test excavation" to assess the site's eligibility for listing on the NHRP (Dampf 2005:13). Joseph Kalama observed this portion of the desecration, and after this assessment, Gary Wessen "concluded that 45PI713 represents a small seasonal camp and 'was unlikely to have ever had deep or extensive cultural deposits.' Survival of such deposits in the site area is very unlikely due to the extensive history of disturbance, leading researchers to consider 45PI713 ineligible for listing in the National Register of Historic Places" (Dampf 2005:14).

In addition to the desecration of midden sites and artifact sites through remediation activities, numerous incidents of graves desecration took place during this "Field Season." On January 20, 2003, a human mandible and a human cranial fragment were found by a construction worker who, according to this report:

> immediately reported to the HRA/W&A archaeologists and appropriate authorities (i.e., the Office of Archaeology and Historic Preservation, the Nisqually Indian Tribe, and the City of DuPont Police Department). Representatives of the City of DuPont Police Department and the Pierce County Medical Examiner's Office arrived that afternoon and the two exposed pieces of bone were collected (and subsequently transferred to the Burke Museum of Natural History and Culture for temporary storage on April 25, 2003). The analysis of the mandible and cranial fragment by the Pierce County Medical Examiner's Office led them to conclude that these bones are approximately 100 to 200 years old. No effort was made to dig into the site area and determine if additional bones were present [Dampf 2005:14].

I will return to a discussion of these procedures below. The site was eventually assigned the number 45-PI-712 and after its initial "discovery" was subsequently desecrated numerous times over the next year and a half by HRA and W & A archaeologists and construction workers undertaking soil stripping activities:

> Intensive surface survey (February 18 and 19, 2003), test excavations (March 29 to April 2, 2004), and soil stripping activities (April 5 to April 9, 2004) led to the discovery of several hundred more pieces of human bone thought to represent a minimum of three

> individuals. A great majority of this material was associated with two largely intact, *in situ* graves discovered on April 6 and 7, 2004, and located approximately 78 feet to the northeast and 46 feet to the north, respectively, of the initial discovery. On April 9, 2004, with the increasing concern that 45PI712 represents a cemetery (and to avoid the exposure of additional graves), all parties decided to halt further ground stripping in the site area. Human remains and associated materials collected during the excavations and soil stripping activities were added to the two original specimens being stored at the curatorial facility at the Burke Museum of Natural History and Culture [Dampf 2005:14; emphasis in original].

It is impossible for an archaeologist to logically and scientifically associate several hundred *scattered* pieces of bone thought to represent *at least three* individuals with *two* individuals within *in situ* burials. This report seems to be an example of the substandard archaeological investigations that have been conducted by archaeologists under contract to Weyerhaeuser since 1977. Additionally, it is absolutely horrifying and criminal that this level and extent of desecration was allowed to take place with the Tribe's apparent agreement.

salətˀuɬkʷ Leonard Squally would not be made aware of the January 2003 desecration for over two more months. As of this writing, he is as yet unaware of the countless additional ancestors who were desecrated and removed from this particular site. These were not the only desecrations of ancestral burial sites in 2003. On April 28 and 29, 2003, Wessen and Associates monitor Richard Chesmore and Tribal monitor Joe Kalama:

> Observed one, possibly more, early historic graves during hazardous waste remediation activities just outside the protected greenbelt, near the southwest end of Old Fort Lake […] Representatives of Weyerhaeuser and the Nisqually Tribe consulted and agreed the grave could be preserved in place within the protected greenbelt that surrounds Old Fort Lake. Once the boundaries of the burial were defined and the exposed materials were documented, a plastic tarp was laid over the grave and the area was covered with a layer of clean sand for protection [Dampf 2005:15-16].

This grouping of graves was eventually assigned the site number 45-PI-711[123] and at the time that this 2005 report was written, "the site ha[d] yet to be evaluated in detail" (Dampf 2005:16). Why Tribal monitor Joe Kalama did not immediately call a halt to ground disturbance on April 28, 2003 instead of letting it proceed for another day is a crime for which salətˀuɬkʷ Leonard Squally asserts he will be answerable to his ancestors.

Weyerhaeuser employee Rodney Proctor was *delighted* with Joe Kalama's performance as a Tribal monitor, as he indicated in discussion of the 2001 Agreement in Principle according to which Kalama had been appointed:

> Another example of the benefit of this agreement occurred when human bones were found in the top layers of recently excavated soil in January 2003. The Tribal monitor was a great benefit to the Tribe and the companies during this crisis. He had the ear of the Tribe and by being on site every day, understood the complexities of the cleanup project and was able to ethically balance the two. The Tribe and all other participants in the cleanup project were promptly notified and work in that area was stopped. The local medical examiner was called to determine if it was a crime scene and he took possession of the bones. (Jeff King 2003) HRA and Gary Wessen quickly went to work and proposed a workplan to investigate the area where the bones were found. The Tribe was notified that the remains were being held by the Pierce County Medical Examiner's office and that Weyerhaeuser was working toward getting the approval to transfer them to the Burke Museum at UW. (Rodney Proctor 2003) The Nisqually Tribal Chairman requested that their own archaeologist examine the bones to determine the origin of the remains. (Nisqually Tribe 2003) Authorization from OAHP cleared the way for the bones in their possession to be taken by Joe Kalama and Gary Wessen to the Burke Museum for temporary housing. […] Even though additional bones were found in April, 2003, the Tribe prepared a letter of concurrence for OAHP supporting the issuance of excavation permits. (Nisqually Tribe 2004) Given the Tribe's support, the OAHP approved excavation permits in January, 2004. (State of Washington 2004) [Proctor 2005:34-35].

As similarly noted above, I will return to a discussion of these desecrations once again below but must first point out that all of these desecrations are taking place in the context of ground disturbance during "remediation" of Parcel 1. Proctor is again celebratory:

[123] On September 1, 2006, Weyerhaeuser filed a Notification of Burial Site with the Pierce County Auditor, irresponsibly and sickeningly providing the precise location of this site in a publicly available document. I will be asking the SHPO about the legality of this action.

> Despite these discoveries, the Tribe also continued to support the project so that a new Consent Decree could be issued. (State of Washington 2003) This monumental event allowed for the authorization to legally proceed with implementation of the Remedial Action Plan, some 12 years after the issuance of the initial Consent Decree declaring the site a formal state clean-up project [Proctor 2005:35].

It wasn't until after these sqʷaliʔabs/Nisqually ancestors were desecrated and many of their skeletal remains uprooted and sent to the Burke Museum, for "safekeeping" that the required Final Remedial Investigation [RI], Risk Assessment [RA], Feasibility Study [FS], updated Cleanup Action Plan [CAP], and updated Consent Decree [CD] for Parcel 1 were released.

In fact, it was *after* the January 3, 2003 desecration that the State DOE released the *Draft* RI/RA/FS, CAP, and CD and initiated the public comment period on these documents (DOE 2003a). While the Model Toxics Control Act [MTCA] mandates a mere thirty-day comment period on such documents, "more time was provided from the outset due to the large number of lengthy documents that were available for review and comment" (DOE 2003b). The public comment period was set for January 22 through April 23, 2003, the public being given ninety days to review nearly two thousand pages of extremely technical information seemingly tailored exclusively for experts in chemistry, hydrogeology, and risk science. Two public meetings were held in reference to these documents, limited to a two-hour informational workshop on February 12, 2003 and a two-hour public hearing on March 12, 2003, both meetings held at DuPont City Hall.

During the ninety day comment period, "Ecology received 3 letters and 6 different individuals sent e-mails" (DOE 2003b:1). In addition to these few submissions, input was received from the twenty people who attended the February 12 informational workshop, and the fifteen people who attended the public meeting on March 12. As a result of these public sessions, a few changes to these documents were made. However, according to the DOE, the changes were

"not considered significant. The overall cleanup actions that were originally proposed have remained unchanged" (DOE 2003b:1). The minimally revised Final RI/RA/FS, CAP, and CD on the cleanup of Parcel 1 were released in July of 2003.[124] A meaningful analysis of the majority of information presented in the Final RI/RA/FS is at this time beyond my expertise, but I will briefly treat each of these documents in turn.

As noted in a previous chapter, the RI which had been prepared by the URS Company was designed "to collect, develop, and evaluate sufficient information regarding the Site to enable the completion of the RA and FS. The RI characterizes the nature and extent of contamination in the context of past activities at the Site. The RI report presents the analytical data that have been collected at the Site" (URS Company 2003:iii). Constituents found to be present in the soil above levels of concern included arsenic, lead, mercury, trinitrotoluene [TNT], and total petroleum hydrocarbons [TPH]. Groundwater contamination was said to be limited to low levels of nitrate and carcinogenic polycyclic aromatic hydrocarbons and "marginally elevated concentrations" of dinitrotoluene [DNT] which results from the breakdown of TNT over time (URS Company 2003:ix). In regard to surface water, the RI found that "Constituents detected at elevated concentrations in Sequalitchew Creek and Old Fort Lake are consistent with those detected at the area background (upstream) sampling location in Sequalitchew Creek […] and in other rivers and streams in Pierce County" (URS Company 2003:x). Freshwater sediments were said to contain no constituents at elevated concentrations. Based on the above information, no further remedial action was proposed for groundwater,[125] surface water, and freshwater

[124] While the CAP and CD are supposed to be based on the other three documents, and the FS is based on the RI and RA, the DOE online document repository for the project lists document dates of July 1, 2003 for the CAP, RI, and Responsiveness Summary; July 31, 2003 for the FS and RA; and August 15 *and* December 31, 2003 for the CD.

[125] The RI provides a discussion of site hydrogeology in which the URS Company uses unfamiliar names for the two of the aquifers and one of the aquitards on site, stating that: "Two aquifers occur beneath the Site—the shallow Water Table Aquifer extends from 20 to 105 feet below ground surface and the deeper Sea Level Aquifer is located

sediments beyond monitoring of groundwater according to specifications of the CAP. The RI also briefly discusses numerous Interim Source Removal actions which had taken place within Parcel 1 from 1991 through 2001; the actions for which I have been as yet unable to locate relevant cultural resources and environmental compliance documents.

The 2003 RA for Parcel 1 was prepared by the Pioneer Technologies Corporation [PTC] in order to "evaluate the potential for adverse impacts to human health and the environment associated with the potential exposure to residual constituents present at the former DuPont Works Explosives manufacturing site" (PTC 2003:ES-1). Within this RA, "risk-based cleanup and remediation levels were developed for each constituent considering future land use, exposed populations, exposure pathways, and toxicity information, using prescribed noncancer and cancer risk goals"(PTC 2003:ES-1). Within the first task of data evaluation, reduction, and screening, "Future land uses of the Site, evaluation units (EUs), media of concern, and a preliminary list of constituents of potential concern (COPCs), were identified" (PTC 2003:ES-1). Within the second task of identification/development of cleanup standards, "soil cleanup levels and remediation levels that are used to characterize potential impacts to human health and the environment, were identified. In addition, an area-specific background arsenic level was derived because the area background concentration is higher than MTCA soil cleanup levels" (PTC 2003:ES-2). Cleanup and remediation levels identified in the RI were specific to soils, and DNT concentrations in groundwater were addresses in the FS discussed below. In the third and final

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between 160 and 215 feet below ground surface. Across most of the Site, the relatively impermeable Aquitard (formerly known as the Kitsap Aquitard) restricts vertical flow of groundwater and separates the Water Table Aquifer from the deeper Sea Level Aquifer. This aquitard is absent west of the "Cutoff" (formerly known as the Kitsap Cutoff), which is located 500 to 2,500 feet east of Puget Sound and roughly parallel to the shoreline. The "Cutoff" is the western extent of the Water Table Aquifer and the point at which the Sea Level Aquifer becomes unconfined. Groundwater in the Water Table Aquifer flows west-northwest, with local discharge via springs to upper Sequalitchew Creek. Groundwater in the Sea Level Aquifer flows west-northwest and discharges west of the "Cutoff" as seeps to Puget Sound" (URS Company 2003:viii). URS' use of its own terminology serves to obscure the mechanics of groundwater movement and, therefore, contaminant movement through the site.

task of the RA, comparison of site media concentrations with cleanup standards were undertaken with MTCA's Three-Fold Criteria [WAC 173-340-740 (7)(c),(d), and (e)], and MTCA's risk-based criteria. (PTC 2003:ES-3-ES-4). I will not provide discussion of the MTCA's Three-Fold or Risk-Based Criteria, as they are beyond my ability to meaningfully analyze at this time.

I will, however, discuss the various land uses that had been designated for Parcel 1 within the RI. These future land uses were to include industrial, commercial, open space, historical, and golf course areas, with the area of Parcel 1 south of sčəgʷaliču/Sequalitchew Creek slated for mixed-use and the area of Parcel 1 north of the Creek and contiguous to Parcel 2 was designated for open space and industrial areas (PTC 2003). Of the land within Parcel 1: 334 acres were planned for commercial use; 6 acres were designated as historical areas including the burial ground at 45-PI-404, the small portion of the ancient shell midden at 45-PI-72 that is within Parcel 1, and 45-PI-55,[126] the site of the 1833 Fort Nisqually; 73 acres were designated as open space within which no development or disturbance was to take place; 36 acres north of the creek were designated for industrial use, which "may include activities ranging from mining gravel to development of light industrial facilities" (PTC 2003:2-1); and 187 acres were set aside as use for a golf course/toxics containment facility because it had been determined that, "A golf course serves as an effective means to isolate soil on the Site that is contaminated with lead or arsenic. The golf course layout was designed in order to maximize coverage of areas that have elevated soil arsenic and lead concentrations" (PTC 2003:2-1).

The evaluation units [EUs] within each designated land use area "were screened against MTCA's Three-Fold Criteria and Risk Criteria. Using these criteria, all EUs except the industrial EU were not in compliance" and required further "evaluation in the FS" (PTC 2003:4-3). The FS for Parcel 1, prepared by the West Shore Corporation [WSC]:

[126] This site is incorrectly identified within PTC's text as 45-PI-155 (PTC 2003:2-1).

> provides information for Weyerhaeuser and DuPont to recommend alternatives for remediation of selected areas, including both no action and action alternatives. Ecology will evaluate the FS and select the remedial measures it believes are appropriate. Weyerhaeuser and DuPont will complete the needed detailed design and implementation of the remedy selected by Ecology in the Cleanup Action Plan [WSC 2003:P-2].

Industrial use areas were not assessed in the FS, and massive ground disturbance was planned within the commercial and golf course areas. Additionally, recall from the RI that it had been decided that groundwater remediation on the site was unnecessary due to the "marginally elevated concentrations" of dinitrotoluene [DNT] detected in samples. In contrast, in Appendix I of the FS, it is noted that "The cost for pumping and treating groundwater at the Former DuPont Works Site (Site) to meet the DNT drinking water screening level would be substantial and disproportionate to the degree of risk reduction which could be achieved" and the use of groundwater from within the site as drinking water was not planned (WSC 2003:I-1). I will therefore only concentrate in this chapter on the remedial actions proposed for historical areas due to space and my own lack of technical expertise regarding toxics remediation. I will note, however, that the unconfined nature of the interconnected nature of the surface and groundwater systems should have elicited much deeper analysis of the need for remediation of water-borne contaminants. In regard to the three designated historic use areas, each less than 2 acres, the studies indicate that they might possibly encompass "discrete locations where arsenic or lead concentrations above the Site-specific remediation levels (i.e., 60 mg/kg for arsenic and 118 mg/kg for lead) occur. As such, these RUs and/or the discrete areas they contain will be treated as either "small-scale applications" or "Hot Spots" as described in Section 8.3. Mass excavation will not be done in these RUs" (WSC 2003:8-3). Because of the historical significance of these areas, it was proposed that a cap/cover of either soil and gravel, or soil and a man-made geotextile, be installed over these areas to prevent direct contact with contaminated soils, along

with a deed restriction on these areas prohibiting excavation to "ensure the long-term effectiveness of the Cap/Cover" (WSC 2003:8-3).

An additional element of the FS bears intense scrutiny. Listed in Section 2.5 pertaining to "Potential Action-Specific Requirements," are a number of references to federal laws and regulations, including the following: "The U.S. DOT has promulgated regulations that govern the transportation of hazardous materials […] The U.S. DOT and state regulations *will* apply to any hazardous materials transported off-site as part of the remediation" (WSC 2003:2-5; emphasis added). I must question, on the basis of the affirmative application of these regulations to off-site transportation of hazardous soils and materials, whether the cleanup actions within both Parcel 1 and Parcel 2 should have been subject to the provisions of NEPA as a major federal action from the outset of when toxins were first identified and removed from the site. Section 1508.18 of the CEQ Regulations for Implementing NEPA states that the term "'Major federal action' includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly." Actions are defined within 1508.18(a) as including "new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, *regulated,* or approved by federal agencies" [emphasis added]. As the transportation of hazardous waste off-site is *regulated* by the USDOT, I would think that the cleanup, or at least the off-site (and out of state) transport of "waste" including ancestral human and cultural remains, would have triggered NEPA review instead of the state-level SEPA review that was conducted in conjunction with the remediation.

Based on the data and analyses within the 2003 Final RI/RA/FS studies, a Cleanup Action Plan [CAP] was prepared by WSC and PTC and proposed by the State DOE, detailing

various actions to be taken during site remediation. In addition to the comparatively less damaging remediation activities proposed for open space and historical areas, and for annual groundwater monitoring, the CAP describes the processes for scraping of contaminated soils:

> The general scraping process would be: Phase I - The upper six inches of soil would be removed, using a self-loading pan scraper. Phase II - The remaining six inches of soil would be graded into a windrow and picked up by the pan scraper. GPS will be used to confirm the initial depth, followed by a complete survey to confirm the depth excavated […] In those areas not accessible to the pan scrapers (because of topography or other reasons), an excavator will be used to selectively excavate the soil in six to eight inch lifts until the desired depth of 1 foot is met [WSC and PTC 2003:6-2].

This purported one foot depth of remediation was repeatedly exceeded as observed by both sałəʔuṗkʷ Leonard Squally and myself on numerous site visits. The main focus of the CAP is, unsurprisingly, the golf course which would be "constructed on the Site and will serve as engineered cover (cap) for contaminated soils and, if necessary, debris. The majority of this material will be moved from the commercial land use areas in Parcel 1 and consolidated in roughly 90 acres of the approximately 180-acre golf course footprint" (WSC and PTC 2003:6-2). In addition to these actions, it is noted in the CAP that, "All excavation work done within the *first three feet of the current ground surface* will be monitored by trained archeologists to determine if cultural or archeological artifacts are present. If any artifacts are found they will be treated in the manner described in the Cultural Resource Protection Plan" (WSC and PTC 2003:6-2; emphasis added). Note the three foot excavation depth listed. The Cultural Resource Protection Plan referenced in the CAP and in the Consent Decree [CD] is supposed to be included within the CAP document but I have thus far been unable to locate this plan. The 2003 CD pertaining to the remediation of Parcel 1 was signed on August 15, 2003 and bound the Weyerhaeuser and DuPont companies to undertake the remedial actions identified in the CAP (Pierce County Superior Court Consent Decree No. 03-2-10484-7).

On June 4, 2003, just after the comment period on the draft RI/RA/FS period came to a close, and around one month prior to the issuance of the final RI/RA/FS for Parcel 1, the City of DuPont issued a mitigated determination of non-significance [MDNS] under SEPA for the Hoffman Hill/Village IV, Division 3 area of Northwest Landing (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1). "The MDNS provided for a 14-day comment period from the date of signature. The MDNS further purported to provide an appeal period despite no procedures in the DuPont Municipal Code (DMC) for such a threshold determination[127] appeal" (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Petitioner's Motion for Partial Summary Judgment:2). The MDNS issued by the City "stated that [a]ny person aggrieved of the City's final determination may file an appeal with the City within 14 calendar days of the above comment deadline" (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Petitioner's Motion for Partial Summary Judgment:2). The Tribe filed a letter with the City of June 18, 2003, the last day of the comment period, in which they objected to the MDNS, arguing that impacts from the proposed 200 home development on wildlife, wildlife habitat, cultural resources, timber, groundwater, and other resources had not been adequately considered in the MDNS (Edgell letter to City of DuPont, June 18, 2003, in *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1). The Tribe argued that:

> Subsequent analysis should also seriously consider preventing further development as the Tribe is unsure that the impacts of further development can be mitigated. This documentation should further consider those impacts with respect to the entire Quadrant Home development in the area, instead of segmenting the project in the "phased" manner referred to in the MDNS [Edgell letter to City of DuPont, June 18, 2003, in *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1].

[127] A threshold determination "means the decision by the responsible official of the lead agency whether or not an EIS is required for a proposal; that is not categorically exempt (WAC 197-11-310 and 197-11-330)" (WAC 197-11-797).

The Tribe took the position that "the Environmental Impact Statements (EIS) prepared for the 1985 and 1995 comprehensive plans cannot be adequately applied to this development," and requested that a full EIS be undertaken in relation to the development of this plat and additional Northwest Landing plats (Edgell letter to City of DuPont, June 18, 2003, in *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1).

Five days after submitting these objections, on June 23, 2003, "Despite some confusion about how the Tribe was supposed to appeal the determination in the absence of procedures, the Tribe nonetheless filed an appeal" (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Petitioner's Motion for Partial Summary Judgment:2). Two days after the Tribe filed its appeal, the City sent them a letter in which they:

> agreed to delay the start of the 14-day MDNS appeal period which the Tribe discussed its concerns with Quadrant Corporation, the proponent of the action analyzed in the MDNS. 'Following resolution' of the Tribe's concerns with Quadrant, [the City's Interim Director of Community Development John Darling] indicated that "the City will continue review of the preliminary plat application" [Edgell letter to Darling, July 23, 2003, in *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1].

On July 10, Interim Community Development Director Darling sent a letter to the Tribe in which he "indicated [his] belief that the Tribe had not contacted Quadrant Corporation as [he] had requested and as such [he] stated that the appeal period had closed" (Edgell letter to Darling, July 23, 2003, in *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1). Tribal Attorney Joe Edgell argued that the City had violated the Tribe's rights to due process and potentially the Administrative Procedures Act by retroactively cancelling the time extension. Edgell stated that the Tribe's position was that the City "ended the previously granted delay and started the appeal period with [their] July 10 letter" and again appealed the City's MDNS, requesting that the appeal be "routed to the formal appellate agency, which we believe to be the City Council of the City hearings examiner […] Depriving the Tribe and its members of their right to appeal

substantially impacts and harms their fundamental treaty and other legal rights" (Edgell letter to Darling, July 23, 2003, in *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1). Edgell argued that the development project had been "unlawfully segmented," as "SEPA case law is clear that a single improvement or project cannot be divided into segments for the purposes of complying with SEPA" (Edgell letter to Darling, July 23, 2003, *Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1). Edgell then then repeated the Tribe's numerous objections to the MDNS due to its inadequate analysis of potential impacts to a wide range of resources.

The City agreed to hear the Tribe's MDNS appeal, and hearings were held before the Hearing Examiner between August 11 and September 12, 2003 regarding both the appeal and the preliminary plat application for Hoffman Hill Division 3. "On the final day of the hearing, after all evidence had been received by the examiner, the City raised an objection to the Tribe's SEPA appeal as untimely" (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Petitioner's Motion for Partial Summary Judgment:2). The Hearings Examiner dismissed the Tribe's appeal as untimely and approved the preliminary plat on November 5, 2003.

> Despite the fact that the Hearing Examiner was conducting a public hearing, he refused to consider the Tribe's evidence stating that "[d]ismissal of the SEPA appeal precludes making any rulings on the issues [the Tribe] raises." […] He further state[d] that the Tribe's issues "are not frivolous and would [have] demand[ed] serious consideration" if he had not dismissed the Tribe's appeal without consideration [*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Petitioner's Motion for Partial Summary Judgment:3].

The Tribe appealed the Hearings Examiner's ruling in a closed record appeal on November 19, 2003, which the City Council dismissed on December 9, 2003, without considering the Tribe's issues. The Tribe filed a Land Use Petition with the Pierce County Superior Court on December 30, 2003 (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Petitioner's Response Brief to Quadrant Corp.'s Motion to Dismiss).

The case is fascinating in that it reveals the legal gymnastics and distortions of reality in which which the attorneys for the Respondents engaged, including petitioning to have the initial trial judge removed and submitting improper and untimely evidence. One of the more revealing examples of this latter tactic was the testimony of numerous witnesses, including archaeologist Gail Thompson, co-owner of HRA along with Gary Wessen. Thompson provided testimony dated March 2, 2004 regarding archaeological monitoring undertaken by HRA on the Northwest Landing project (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Declaration of Gail Thompson in Support of Quadrant Corp., Weyerhaeuser Real Estate Company and Weyerhaeuser Company's Opposition to Motion for Stay). Included in Thompson's testimony is a document to which the Tribe objected: "The Declaration of Gail Thompson contains statements by a contractor of the Quadrant Corporation regarding her company's archaeological monitoring process. Exhibit A is a draft copy of the company's monitoring procedures dated December 15, 2003. *The Tribe has never even received a copy of this document*" (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Nisqually Indian Tribe's Motion to Strike Extra-Record Evidence Offered in Respondents' Opposition to Motion for Stay; emphasis added).

The Tribe's objection to the City and companies' attempt to submit Thompson's evidence which they had never seen and which was immaterial to the case, along with their objections to additional improper testimony were filed with the Court on March 4, 2004. After months of various briefs and motions being filed, and without an indication within the case docket as to why, on March 24, 2004 the Tribe filed a Notice of Withdrawal and Substitution of Counsel, replacing Tribal attorney Joe Edgell with Bill Tobin (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Notice of Withdrawal and Substitution of Counsel A). The Tribe filed an additional Notice of Withdrawal and Substitution of Counsel dated April 5, 2004 in which Tribal

attorney Jeffrey Erwin was replaced with Thor Hoyt (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Notice of Withdrawal and Substitution of Counsel B). The Court issued a Note for Trial Setting filed on June 25, 2004, setting the trial date for July 9, 2004 at 9:00 A.M. (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Note for Trial Setting). On July 9, 2004, the Court issued an order to which the Parties agreed, stipulating that the Tribe "shall file and serve its opening brief on or before August 16, 2004," that the "Respondents shall file and serve their responsive briefs on or before September 15, 2004," that the Tribe must reply on or before September 29, and setting the final review hearing for October 11, 2004. (*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Agreed Order Setting Briefing Schedule and LUPA Final Review Hearing).

Before any of these filings took place, however, the Court issued a Stipulation and Order dated July 27, 2004 stating the following:

> Nisqually Indian Tribe ("Petitioner"), the City of DuPont, Quadrant Corp., Weyerhaeuser Real Estate Company and Weyerhaeuser Company (collectively, "Parties") have reached a settlement agreement relating to this action. Pursuant to the settlement agreement and Civil Rule 41(a)(1)(A), the parties agree that this action shall be dismissed with prejudice and without costs or attorney fees to any party" [*Nisqually Tribe v. City of DuPont et al.* No. 03-2-14524-1 Stipulation and Order Granting Voluntary Dismissal With Prejudice].

Rather that continuing to pursue the case, the Tribe agreed to settle out of court. I have not been able to locate a copy of this settlement agreement, nor of any EIS pertaining to the Hoffman Hill Division 3 plat or any other individual plat within the Northwest Landing development. The fact that the multinational timber giant agreed to a settlement, however, clearly indicates that the Tribe's objections were well-grounded. Rather than waste time and pocket change having the case adjudicated to its complete satisfaction as they would have done if they were certain that they would win, Weyerhaeuser and its subsidiaries, along with the City of DuPont *agreed to settle the case*. Their agreement leads me to believe that the *Tribe* should never have agreed to

the settlement if they truly wanted to stop the project and/or protect sqʷaliʔabs/Nisqually ancestors, sqʷaliʔabs/Nisqually cultural patrimony, and the powerful and deeply sacred and ecologically irreplaceable places within the ancestral village landscape of sčəgʷaliču/Sequalitchew.

As the RI/RA/FS, CAP, and CD were being released for comment and then finalized, and as events leading to and throughout the case *Nisqually Tribe v. City of DuPont et al.* (No. 03-2-14524-1) were unfolding, salətˀuƀkʸ Leonard Squally and I met for the very first time, right around the time of the January 3, 2003 desecrations discussed above. At that time, I began to get to know him and started working with him to learn more about the illegal condemnation and theft of the eastern two-thirds of the Nisqually Reservation. Within a few weeks, he had given me permission to document his knowledge and include it in first research paper I proposed to write for the course *Seeking Justice* as an undergraduate in my first quarter at The Evergreen State College, as discussed in the introduction of this work. It was around the time that I submitted this paper, salətˀuƀkʸ Leonard Squally took me out to sčəgʷaliču/Sequalitchew for the first time.

Shortly after that unforgettably deep and wounding experience, salətˀuƀkʸ Leonard Squally showed me with a copy of a letter which has been given to him during the last week of March 2003. It is a letter from Rodney Proctor, noted as the Director, EH & S Standard Systems for the Weyerhaeuser Company, to Tribal Chairman John Simmons, dated March 3, 2003. In this letter, which pertains to the "Human remains discovered at DuPont on January 20, 2003," Proctor states: "I am writing in response to your February 19th letter requesting our delaying ground disturbing activities in the area of the subject discovery until your archaeology team and tribal members are trained and on the job to monitor our activities" (Proctor letter to Simmons,

March 3, 2003, document in possession of saləʔuɬkʷ Leonard Squally). Weyerhaeuser had arranged for "two 40-hour hazardous material training classes during the weeks of March 24th and 31st either, [sic] of which your representatives may attend to qualify them to work on our site" (Proctor letter to Simmons, March 3, 2003 document in possession of saləʔuɬkʷ Leonard Squally). Later in this letter, Proctor states:

> I understand you are also aware of our effort in conjunction with Allyson Brooks, the State Historic Preservation Officer, to transfer the remains held by the Pierce County Medical Examiner's Office to the Burke Center for better safekeeping and access. Again, we are working with Bill Tobin on the details of this effort.
>
> We are aware of the Nisqually Tribe's sensitivity to the discovery we have made on our cleanup site and are prepared to take all reasonable measures to involve you in the planning for an observation of our efforts to bring this situation to a mutually satisfactory end [Proctor letter to Simmons, March 3, 2003, document in possession of saləʔuɬkʷ Leonard Squally].

This was the first time that Hereditary Chief saləʔuɬkʷ Leonard Squally had been informed of the January 20, 2003 desecration of the partial remains of one of his ancestral relations from the village of sčəgʷaliču/Sequalitchew, two months after the fact, and the Medical Examiner had retained custody of this person (or persons). Prompted by this letter, saləʔuɬkʷ Leonard Squally asked me and Gilly Corwin to accompany him on a visit to this ancient and sentient landscape On April 3, 2003.

I wrote of this day and subsequent events in the final draft of the research paper I submitted to my professors on May 30, 2003. I include excerpts from this (in retrospect, poorly written) research paper here:

> On April 3[0],[128] 2003, Leonard Squally, Gilly Corwin, and I went out to see the construction site.[129] Squally and Corwin were shocked to discover that one of the shell

[128] My 2003 research paper contains an error, providing the date of this meeting as April 3, 2003 in this one instance, and April 30, 2003 throughout the remainder of the text.

[129] At this time I still had very little clear idea of what "projects" were being undertaken by which entities within the ancestral village landscape of sčəgʷaliču/Sequalitchew, as saləʔuɬkʷ Leonard Squally had just started sharing this part of his work with me. As you have undoubtedly noticed, there were so many layers to this history and the

> midden sites had been destroyed by earth movers. We examined several endangered burials, and the newly deforested buffer zone (which was supposed to remain untouched) between housing developments and graves identified by Squally in conjunction with Corwin and a spiritual advisor. That same day, Squally asked me to attend a meeting between the Historical Committee, tribe member Joe Kalama, and the Tribe's attorney Bill Tobin concerning the Northwest Landing remains. At that meeting, the Historical Committee was advised that Joe Kalama had taken the hazardous materials training and was monitoring activities at the site. Kalama confirmed that the Pierce County Medical Examiner, in spite of the Historical Committee's expressed wishes, disinterred the skelet[al remains]. The State Historic Preservation Officer was not informed until after the disinterment. When the discovery was finally reported to the SHPO, that office contacted the Nisqually Tribal Council. An agreement was made between the SHPO, the Tribe and Weyerhaeuser, without the knowledge or approval of either Leonard Squally or the Historical Committee, and the remains were sent to the Burke Museum on April 5, 2003 [Capuder 2003a:18-19, document in possession of author].

Handwritten notes that I took at this April 30, 2003 meeting contain references to the fact that the Pierce County Medical Examiner [ME] had taken possession of this ancestor's remains and that SHPO Allyson Brooks had informed the ME that he or she had no authority or jurisdiction to do so. Recall from earlier in this chapter that HRA archaeologists claimed that when the remains were desecrated on January 20, they were "immediately reported to the HRA/W&A archaeologists and appropriate authorities (i.e., the Office of Archaeology and Historic Preservation, the Nisqually Indian Tribe, and the City of DuPont Police Department)" (Dampf 2005:14). HRA archaeologists apparently have a different sense than salətʼuṗkʷ Leonard Squally does, and the SHPO and Tribe do, of the "immediate."

Additionally, an attachment to the monitoring procedures is appended to the *Archaeological Monitoring Report for the 2003 and 2004 Field Seasons at the Former DuPont Works Site Parcel 1, City of DuPont, Pierce County, Washington* which provides a summary of steps to follow in the event of inadvertent desecration (Dampf 2005). These procedures were purportedly in effect on January 20, 2003:

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then-current events that at times even salətʼuṗkʷ Leonard Squally himself had difficulty keeping track of the criminals and their crimes.

> The DuPont Works Site Manager will carry out these steps inside the fenced Consent Decree Area. At all times, human remains and associated artifacts will be treated with respect and dignity. 1. Leave the material in the ground, undisturbed. Cover the find to protect it from the elements and from any potential viewers. Secure a large enough area to keep the find safe from any disturbance by vehicles, equipment, workers, and ensure that the find is protected at all times. 2. Call the Pierce County Sheriff and report the find so that a deputy has the opportunity to check to be sure it is not a crime scene. The deputy may notify the Pierce County Medical Examiner's Office. Tell the deputy and/or the medical examiner that Native Americans often are very sensitive about human remains. Information on them should be kept confidential; no photos of human remains or associated artifacts should be taken unless it is a legal necessity or the tribe gives prior approval. 3. Telephone the Nisqually tribal representatives (Joe Kalama and Bill Tobin or Joe Edgell) to let them know about the find and to discuss any immediate concerns they may have. 4. Telephone Rob Whitlam, State Archaeologist […], to tell him about the find and that you are working with the Nisqually Tribe and with the archaeologists on it. Ask them for their concerns and any advice. If Rob Whitlam is not available, try Stephenie Kramer, Assistant State Archaeologist […], or Allyson Brooks, SHPO (360-586-3066). The DuPont Site Manager may also need to notify the Washington Department of Ecology (WDOE). 5. Have an archaeologist experienced in human remains examine the location (Gary Wessen, Alex Maass). The archaeologist needs to record the location of the find and any obvious associations. The archaeologist can advise on whether the find appears to be Native American or Euro-American as well as scientific concerns about treating the find. 6. Work with the tribe and the Office of Archaeolgy [sic] and Historic Preservation (OAHP) to determine a treatment procedure. If the find is Euro-American, consult with OAHP staff about appropriate treatment [Dampf 2005 Appendix A:4 Attachment A].

While this report was not published until 2005, these are part of the monitoring procedures purported to be in place throughout time frame covered by the report, January 13, 2003 through September 17, 2004. Nowhere within these procedures does it say anything about the Medical Examiner taking possession of desecrated sqʷaliʔabs/Nisqually ancestors.

My notes also indicate that SHPO Allyson Brooks had recommended, and the Tribal Council had agreed, to send this ancestor's remains to the Burke Museum. The *Archaeological Monitoring Report for the 2003 and 2004 Field Seasons at the Former DuPont Works Site Parcel 1, City of DuPont, Pierce County, Washington* states that, "Representatives of the City of DuPont Police Department and the Pierce County Medical Examiner's Office arrived that afternoon and the two exposed pieces of bone were collected (and subsequently transferred to the

Burke Museum of Natural History and Culture for temporary storage on April 25, 2003)," but neglects to mention any of the negotiations with the Tribe that took place in the interim, and the flagrant violation of monitoring procedures appended to this same report (Dampf 2005:14). My notes from the April 30, 2003 meeting state: "Monday's remains—wk stopped, casket, remains and nails found" (Capuder Tribal Council Meeting Notes 2003b. document in possession of author). This note is in reference to the human remains, along with a casket and nails, said to have been observed by Richard Chesmore of W & A and Nisqually Tribal member Joe Kalama on April 28 and 29, 2003 (Dampf 2005). In light of these multiple desecrations, WRECO had submitted a document for the Tribe's consideration which pertained to potential processes for the "Disposition of Human Remains." This document states:

> Assumption: Will find plus or minus 10 scattered or intact human burials in the course of scraping one foot of surface of approximately 400 acres of site.
>
> Process Considerations:
> - Specific or general archaeology permit
> - DNA testing of remains or not
> - Notification chain
>
> Disposition of Human Remains:
> - Cover in place after hand contaminated soil removal
> - Lift Remains, remove contaminated in controlled manner, replace remains in same location only buried deeper
> - Reburial of remains in 404 site
> - Reburial of remains in 1843 Fort Site Burial plots
>
> Mitigation Measures:
> - No Mitigation
> - Small dignified ceremony for each occurrence
> - Large ceremony for each occurrence
> - Single post clean-up contribution to Tribe Cultural Center
> - Single large post-clean-up ceremony [WRECO 2003, document in possession of salətʼuɬkʷ Leonard Squally].

How WRECO had determined the stated likelihood of encountering "plus or minus 10 scattered or intact human burials" when they had not allowed, and purportedly could not understand the purpose of, the preparation of an archaeological probability model escapes me. And, despite their statement that only one foot of soil would be removed across the property, it is extremely unlikely that the tremendous D-9 Caterpillars that salətʼuṗkʷ Leonard Squally and I witnessed during remediation of the site are able consistently dig at that shallow of a depth. If WRECO was really planning to have one foot of topsoil removed, then why did stipulations within the 2003 Consent Decree state that "All excavation work within three (3) feet of current ground surface will be monitored by trained archaeologists to determine if cultural or archaeological artifacts are present" (Pierce County Superior Court Consent Decree No. 03-2-10484-7, Section VI(A)(2))? salətʼuṗkʷ Leonard Squally has told me from the very beginning of our work together that the burial places of his ancestors are typically found at a depth of between two and four feet.

In response to WRECO's proposal, the Nisqually Tribe Historical Committee of which salətʼuṗkʷ Leonard Squally was still Chair at this time, drafted an undated document titled *Counter Proposed* [sic] *to Weyerhaeuser offer of March 19, 2003.* This document states:

- Have Weyerhaeuser or the Tribe pay for Leonard Squally and Gilly Corwin to have Hazardous Materials Training so that they can be on site instead of Joe Kalama or to assist Joe.
- No Archaeologist permits issued without the consent of the Nisqually tribe Historical Committee approval.
- No DNA testing or scientific experimentations of any kind beyond identifying the remains in the field Native American or Non Indian or any human remains without the presence of a Traditional healer of our choice.
- If any remains are discovered during remediation, the Tribe would like to have the <u>remains buried in the same location, only deeper</u>. [emphasis in original]
- Large Reburial Burning Ceremony for each occurrence.
- Please make notation that each individual that had been involved in the past should be involved in each ceremony, as we will need him or her for his or her strength.
- We have requested Weyerhaeuser's Archaeological Surveys in the past and to date We have still not received any recent information requested.

- We would also like to know where we could get funding from the Tribe to remove an Old Growth Cedar Tree from Mt. Rainier [Nisqually Tribe Historical Committee Counter Offer 2003, document in possession of saləʟuƛ̓kʷ̓ Leonard Squally].

saləʟuƛ̓kʷ̓ Leonard Squally, the Tribe's now apparently former cultural resources monitor, was never offered the hazardous materials training and had, in fact, been informed of the training too late to participate. "I think I worked for 'em three years and they canned me. Weyerhaeuser told 'em to get rid of me, him [Gilly Corwin] and me. Told the council. Said I was a pain in the butt to 'em. I told 'em our ancestors were put in the ground, not to be dug up and sent to a museum" (saləʟuƛ̓kʷ̓ Leonard Squally, personal communication 2010). The desires of the Historical Committee and Hereditary Chief saləʟuƛ̓kʷ̓ Leonard Squally, rooted within ancient sqʷaliʔabs/Nisqually teachings, further guided by teachings of contemporary practitioners of Seowin, have been repeatedly ignored by the Nisqually Tribal Council, as will become evident as the rest of the story unfolds.

On May 5, 2003, saləʟuƛ̓kʷ̓ Leonard Squally had me assist him in writing a letter, copies of which were sent to: BIA Regional Director Stan Speaks, the Northwest Justice Project, the Native American Rights Fund, the Indian Law Clinic, the Tanasi Matera Indigenous Circle, and Native American Legal Services seeking advice and/or funding to pursue a legal action against Weyerhaeuser regarding the desecration of sqʷaliʔabs/Nisqually ancestral burial sites within the sčəgʷaliču/Sequalitchew ancestral village landscape (Squally and Capuder letter to Tanasi Matera Indigenous Circle, May 5, 2003, document in possession of author). In this letter, saləʟuƛ̓kʷ̓ Leonard Squally stated through me in part that:

> At a meeting held on April 30, 2003, members of the Historical Committee, including myself, met with the Tribe's attorney, Bill Tobin, and with Joe Kalama, a tribe member who has apparently been in consultation with Weyerhaeuser in my stead, I learned that an agreement had been reached between the corporation, the State Historic Preservation Officer, and Nisqually's Tribal Council. The agreement has resulted in the unearthed

> remains being sent to the Burke Museum at the University of Washington […] It is my desire as an enrolled member of the Nisqually Tribe, and the person chosen to be responsible for the preservation of my people's history, to pursue this matter through the courts [Squally and Capuder letter to Tanasi Matera Indigenous Circle, May 5, 2003, document in possession of author].

The following day, Tribal Chairman John Simmons received a letter from Steve Henrickson, Curator of Collection for the Alaska State Museum in Juneau notifying him that, as Simmons was already aware, the Museum planned to repatriate to the Puyallup Tribe human remains in their possession (Henrickson letter to Simmons, May 6, 2003, document in possession of salətˀuƀkʷ Leonard Squally).

> In 1957, two human crania representing a minimum of two individuals were donated to the Alaska Historical Library and Museum (now the Alaska State Museum) […] The human remains were originally collected by Judge James Wickersham during his residence in Tacoma, WA, in 1883-1900. Museum records indicate that one cranium was removed from a canoe burial on Steilacoom Creek, Pierce County, WA in 1892, and that the other cranium came from an unspecified location in the State of Washington. Since Judge Wickersham excavated in areas vacated by the 1854 Medicine Creek Treaty, it is likely that the second cranium, listed in museum records as coming from "Washington state," also came from the area around Tacoma, and that both human remains derive from 19th-century contexts [National Park Service 2003].

Simmons provided salətˀuƀkʷ Leonard Squally with a copy of Henrickson's letter and the attached repatriation notice excerpted above, on May 20, 2003.

In my own 2003 research report, I discuss the circumstances surrounding salətˀuƀkʷ Leonard Squally being informed of the homecoming of these ancestors:

> Puyallup claimed the skulls for repatriation. In a letter dated August 12, 2002, Chairman Simmons provided Steve Henrickson, curator of the Alaska State Museum, with "the Nisqually Tribe's endorsement" of Puyallup's claim. This endorsement, however, was given by Simmons without his having discussed the matter with members of the Historical Committee, or with other members of the community […]
>
> The matter of these remains, along with the Historical Committee's desire to have the DuPont remains reburied, were brought before the Tribal Council on May 28, 2003. Leonard Squally, Zelma McCloud, Antonette Sanchez, Ken Ross, and other members of the Committee, along with myself, attended the Tribal Council's meeting. At the meeting, Ms. Sanchez asked for the support of the Tribal Council regarding the Committee's

> request for tribal and casino monies to conduct reburial ceremonies for the DuPont remains, for another set of remains found on the Ross family property […] and the skulls from Alaska. One council member who, incidentally, is on her way out of office, asked the Committee if the amount requested was large enough. Sanchez and Squally requested additional funds and the ousted Council member made a motion to support the Committee's request. Chairman Simmons[130] voiced his concern that the $10,000 amount was extravagant, despite his being shown the costs of a similar reburial that had taken place some time ago. Despite Simmons' protestations, the Council passed the motion. Reburial will take place as soon as possible, contingent upon Weyerhaeuser's cooperation [Capuder 2003a:22-24, document in possession of author].

On July 7, 2003, salaʔuɬkʷ Leonard Squally had me write a letter for his signature, which was sent to Rodney Proctor of Weyerhaeuser, requesting the company's assistance with the cost of the Burning Ceremony. He wanted his desecrated ancestors properly laid to rest as quickly as possible.

On July 1, 2003, salaʔuɬkʷ Leonard Squally received a letter addressed to him as the Chair of the Tribe's Historical Committee from Tribal Chairman Dorian Sanchez which states:

> Dear Chairman and Committee Members:
>
> At its June 25 meeting, the Tribal Council discussed cultural resource issues' management in the DuPont area. The Tribal Council appointed a subcommittee to address all issues regarding the DuPont/Weyerhaeuser site.
>
> As of this date, the Historical Committee is to relay any information regarding DuPont issues through this subcommittee. The Historical Committee shall not send letters or conduct independent discussion or negotiations with Weyerhaeuser, DuPont or Quadrant companies, or any governmental entity including the City of DuPont. The committee also shall not solicit funds on behalf of the Tribe or its members for DuPont-related activities [Sanchez letter to Historical Committee, July 1, 2003, document in possession of salaʔuɬkʷ Leonard Squally].

It seems that salaʔuɬkʷ Leonard Squally's activism, with my assistance, was making a few small waves. At that time, neither salaʔuɬkʷ Leonard Squally nor I knew of the Tribe's then-ongoing efforts to appeal the City's issuance of an MDNS on the Hoffman Hill development

[130] In retrospect, Simmons may have no longer been Tribal Chair at this time, as Dorian Sanchez held the position at the time of his July 1, 2003 letter to salaʔuɬkʷ Leonard Squally discussed below. Simmons, nevertheless, was still a member of the Tribal Council.

plat, and would not learn of the Tribe's subsequent Superior Court and Use Petition Act [LUPA] action until almost eight years later. Tribal Council admonishments be damned, salətʼuṗkʷ Leonard Squally was not about to walk away from the work that he had been trained to do since childhood in protecting the final resting places of his ancestors.

On July 14, 2003, a joint meeting was held between the Nisqually Tribe Historical Committee and the Tribe's Elders' Committee regarding the reburials that need to take place; a meeting which I attended. Discussions which took place between many of the Tribe's eldest members were summarized for the Tribe's new Subcommittee on Cultural Resources and presented to them the following day:

> The Committees need to know if Weyerhaeuser was ever informed by either the Tribal Council or by Bill Tobin of the Historical Committee's wishes with regard to the reburial of accidentally discovered human remains (i.e., to have the remains reburied in the same spot where they were found, only deeper). Between the two committees, it was also decided that the Tribal Council was to be approached and asked for the reasons that Weyerhaeuser has not been forced by the Tribal Council to pay Leonard Squally, Gilly Corwin, or Dobie Tom and his assistants for the work that they have done to protect Nisqually's ancestors and the tribe's cultural resources.
>
> The two committees have also agreed that Leonard Squally must have his salary reinstated so that he can be justly compensated for all of the time, energy, and money that he has spent, and continues to spend, in conjunction with his efforts to protect the graves of Nisqually's ancestors, and to preserve Nisqually culture. Leonard Squally has been trained for this work since he was a young man and it is only right that he should be repaid for his efforts. Additionally, the Committees agree that Gilly Corwin must be rehired by the Tribe so that our people can benefit from his archaeological and anthropological training. Both Leonard and Gilly should obtain the hazardous materials training that is apparently necessary for anyone working out at the DuPont site.
>
> […] The Committees have been made aware of the fact that Dobie Tom has said that the Burning Ceremony that took place out in DuPont needs to be redone because it was not done properly. The Committees therefore agree that this must be done as soon as possible. The Committees would also like to know whether there are funds left from the money that was paid to the Tribe by Lonestar that can be used for reburials and for the protection and repatriation of Nisqually remains and cultural items. The committees are aware that Lonestar had agreed to hire two tribal members to monitor their activities. Since these people were never hired, there should be some money available.

> […] The committees believe that Bill Tobin has been negligent with regard to his duty to the Historical Committee and his duty to the Nisqually people by his lack of action and interest in having Nisqually's ancestors treated in accordance with the wishes of the community.
>
> […] Nisqually's ancestors must be returned to their rightful resting places before the illnesses, accidents, and community disintegration that has occurred as a result of the desecration of thee ancestors escalates any further. While many of Nisqually ancient teachings have been lost over time, in the hearts and minds of many Nisqually people, ensuring that the ancestors are protected and respected is a teaching that must not go unheeded. How can we teach Nisqually's children to respect themselves as Indian people, and to respect other people, when they see the disrespect and desecration suffered by the old ones whose burials have been disturbed? [Nisqually Tribe Historical Committee and Nisqually Tribe Elders Committee memo to Nisqually Tribe Subcommittee on Cultural Resources Found at DuPont, July 15, 2003, document in possession of salətʼuṗkʷ Leonard Squally].

The sqʷaliʔabs/Nisqually Elders and the Historical Committee were not happy with the Tribe's apparent decision to replace Hereditary Chief salətʼuṗkʷ Leonard Squally as the Tribe's cultural resource monitor, as no one in the Tribe besides this man had been properly trained and immersed in ancestral teachings pertaining to the protection of these old people. It was his inherited responsibility and privilege, and no amount of hazardous materials training would prepare Joe Kalama for the work that needed to be done within sčəgʷaliču/Sequalitchew to protect the ancestors from further depredations, and to seek to appease them in light of the violent acts which had been committed on their earthly remains.

The Nisqually Tribal Council continued to ignore the pleas of Hereditary Chief salətʼuṗkʷ Leonard Squally, the Historical Committee, the Elders' Committee and numerous other Tribal and community members to reinstate salətʼuṗkʷ Leonard Squally as the Tribe's cultural resource monitor and to care for their own ancestors according to ancestral sqʷaliʔabs/Nisqually cultural and spiritual protocols. On July 17, 2003, salətʼuṗkʷ Leonard Squally asked me to help him take further action to protect his ancestors. We created large informational packets which included the research paper that I had just submitted to my

professors at Evergreen and copies of supporting documents. We sent these packets to a number of state and federal officials, including Governor Gary Locke, then-Attorney General Christine Gregoire, the United Nations High Commissioner on Human Rights, local television news programs, and Indigenous rights organizations, detailing the desecrations and the Tribal Council's refusal to take the actions demanded by the Tribe's traditional leaders and Elders. We received no responses. On August 25, 2003, the Tribe's Historical and Elders' Committees held another joint meeting, summarized for the Nisqually Tribal Council in an August 29, 2003 memo:

> All those in attendance were in complete agreement that Leonard Squally should continue the work that he has been doing. All agreed that both Leonard and Gilly Corwin must be put back on the tribe's payroll […] Both committees agree that every department that comprises the whole of the Nisqually Tribal government, and every tribal and community member, have an obligation to support Leonard Squally's work. Protecting Nisqually culture for future generations and making sure that the remains of our ancestors are either left undisturbed or are treated with respect and honor is of paramount importance to our people.
>
> Also discussed at this meeting was a petition, written on behalf of the Elders, and to be signed by all interested tribal members. Among the items to be included in this petition, which is to be submitted to the tribal council, are:
>
> 1) The stipulation that the Tribal Council demand that no more construction, soil remediation, logging, or any other activities proceed at Northwest Landing/DuPont until a tribal observer OF THE PEOPLES' CHOOSING is on site to protect the interests of the Nisqually people, and to protect Nisqually's ancestral burials and culturally significant sites in the vicinity.
> 2) That Leonard Squally, Gilly Corwin and Doby Thom [sic] must be compensated for their past, present, and future cultural preservation work.
> 3) That a meeting of the General Council be called so that all community members are given the opportunity to learn more about/comment on what is happening at DuPont, along with other cultural resource issues.
> 4) That an entire Cultural Resource department be created and supported, both financially and ideologically, by the Tribal Council.
> 5) That Leonard Squally, due to his lifelong training and experience related to matters of graves protection and cultural resource work, be retained as the head of that department.
> 6) That all who sign the petition pledge their complete support for Leonard Squally and the valuable work he is doing for our people.

7) That Leonard Squally and Gilly Corwin be put back on the payroll so that they can continue to stand up against those who seek to destroy Nisqually culture and those who seek to defile and desecrate Nisqually's ancestors, sacred sites, and sites of cultural significance.
8) Members of the two committees demand that Tribal Council be accountable to the people for both their actions and their inaction with regard to events at DuPont and other cultural resource matters.

This petition is to be circulated among tribal members and signed by those who are interested in making sure that by protecting our past, we ensure the future health and integrity of our people [Nisqually Tribe Historical Committee and Nisqually Tribe Elders' Committee memo to Nisqually Tribal Council, August 29, 2003, document in possession of salətˀuṗkʷ Leonard Squally].

I do not have a copy of the signed petition and do not recollect how many signatures were garnered in support of these demands. I do, however, remember that it was more than just a handful. salətˀuṗkʷ Leonard Squally no longer clearly remembers when the petition was submitted. Again, there was no response.

A month previous to this meeting, the nomination of the Nisqually-Sequalitchew Historic District, returned to the SHPO for revisions in 2000, had been amended for resubmission to the Keeper of the National Register. The text had been revised to reflect National Park Service standards, and no longer contained any references to the DuPont Powder Works (Nisqually-Sequalitchew Historic District Nomination Form 2003, copies available from Washington Department of Archaeology and Historic Preservation). salətˀuṗkʷ Leonard Squally was not aware of the resubmission. On August 20, 2003, the Mayor of the City of DuPont, Penny Drost, reaffirmed the City's support for the nomination in a letter to Michael Houser of the OAHP (Drost letter to Houser, August 20, 2003, copies available from Washington Department of Archaeology and Historic Preservation). Greg Moore, Vice President of Weyerhaeuser's Quadrant Homes subsidiary, and the multinational corporation he represented, were not as solicitous. In a fax to Houser, Moore contended that the district nomination "does not appear to

be consistent" with the 2000 MOA and that while Houser's letter announcing the resubmission "indicates that it is your understanding that we have lifted our objection to the nomination. That is not accurate. We have conditionally supported listing as stipulated in the MOA noted above" (Moore fax to Houser, August 20, 2003, copies available from Washington Department of Archaeology and Historic Preservation). The source of the inconsistency is not noted in this document.

It was also around this same time that, Tribal employee Alan Frazier informed salətʼuṗkʷ Leonard Squally that there was a message left on Frazier's office answering machine about what was currently happening at sčəgʷaliču/Sequalitchew. I accompanied salətʼuṗkʷ Leonard Squally to Frazier's office to listen to the message. I know that it was around the time that the petition discussed above had been circulated because my hastily-scribbled handwritten notes are on the back of the second page of a draft copy of that document. This is a verbatim transcription of these notes:

> City Planner Jackson?
> 1976-91
>
> Preserve trib. cemet
> '' midden
>
> DuPont = monstrosity
>
> Midden destroyed
>
> Cemetery in jeopardy
>
> 253-XXX-XXXX [note: number omitted]
>
> Asphalt
>
> Mark Jackson [document in possession of author].

I remember the horror and immense sadness in Jackson's voice, and when I found these notes a few months ago I realized that a Mark Jackson had at one time been the Mayor of DuPont. In looking into who Jackson was while writing this chapter, I came across a request from his friends and family which was made after his passing in 2009:

> The friends and family of former Mayor Mark S. Jackson respectfully request the City of DuPont's consideration in naming the greenbelt encircling the Historic Village of DuPont in his name. Mark was the City's first City Planner and Environmental Administrator. He served from 1976 to 1987 […] Mark's active concern and love for the City of DuPont led to his successful run for Mayor in 1988. He was elected by the people and served from 1988 to 1991.
>
> Those were formative and critical years for the City of DuPont. In 1977, Weyerhaeuser Company purchased the majority of land surrounding the Village and proposed constructing a massive Forest Products Export Facility, and later, one of the largest master planned communities in the Pacific Northwest, and indeed, the United States on the approximately 4,000 acres of land […] As the City's Environmental Administrator and later Mayor, Mark oversaw the comprehensive planning, public input, and permitting of these large projects [Mark Jackson Memoriam, City of DuPont Online Archives, document no longer accessible, document in possession of author].

Twelve years after completing his tenure as Mayor, Mark Jackson must have had a change of heart, calling the City that he loved and cared for a "monstrosity" in a voice laden with sadness and outrage. No one knew the intimate details of the massive series of ecologically, culturally, and spiritually devastating projects, down to the rendering of ancestors into asphalt, taking place within the ancestral village landscape of sčəgʷaliču/Sequalitchew as deeply as Mark Jackson knew them. No one except salaťuṗkʸ Leonard Squally, that is.

And yet, salaťuṗkʸ was being kept in the dark by everyone *except* Mark Jackson regarding what was taking place at sčəgʷaliču/Sequalitchew. On November 10, 2003, salaťuṗkʸ Leonard Squally sent a memo to the Nisqually Tribe Subcommittee on Cultural Resources:

> Members of my Committee are wondering how quickly the Tribe can arrange to have the human remains that were discovered in DuPont on January 20, 2003 and are currently housed at the Burke Museum released to either myself, Misty [Kalama] Miller, or LouAnn Squally? [Tribal Council member] Brian McCloud advised me that the Tribe has

> the $10,000 dollars that the Historical Committee requested for the reburial, and members of the Committee and other Tribe members are anxious to proceed with the reburial and the Burning Ceremony before the weather gets much colder. Please contact me as soon as possible with the details of the arrangements [Squally memo to Nisqually Tribe Subcommittee on Cultural Resources, November 10, 2003, document in possession of saləťuṗkʷ Leonard Squally].

Arrangements for the reburial of these ancestors would not be made for quite some time, and they would not be made with the assistance of saləťuṗkʷ Leonard Squally. This Elder and Hereditary Chief would continue to press the requests of the Tribe's Historical and Elders' Committees, and to submit proposed budgets for the necessary Burning Ceremony, to no avail.

Over the course of February through early April 2004, as noted briefly above, multiple intentional desecrations of sqʷaliʔabs/Nisqually ancestors occurred with the apparent blessing of the Tribal Council and the oversight and participation of Tribal member Joe Kalama and other Tribal members. In mid-February, an intensive surface inspection of the site of the January 20, 2003 desecration, designated 45-PI-712, was undertaken and from March 29 to April 8, 2004 test excavations and soil stripping further disturbed what would turn out to be a cemetery:

> The work performed at 45PI712 was conducted under State Office of Archaeology and Historic Preservation Archaeological Excavation Permit No. 04-03 issued by OAHP, with specific details arranged in consultation with Joe Kalama of the Nisqually Indian Tribe and their consultant, Meg Nelson of Cascadia Archaeology. The work plan had specific goals and identified methods for accomplishing them. Having said this, it is important to emphasize that the effort was not a "typical" archaeological study. Specifically, the Nisqually Indian Tribe insisted that the effort was a recovery of their ancestral remains rather than a scientific exercise. While all parties agreed that there was important information that needed to be obtained, we also all agreed that the effort needed to be conducted in a way that honored and respected traditional Nisqually Indian values […] The test excavations at 45PI712 were conducted by Gary Wessen and Richard Chesmore of Wessen & Associates, Inc.; Meg Nelson, Emily Lepkowski, and Mike Wolverton of Cascadia Archaeology; Ben Ramp of Historical Research Associates, Inc.; and Savoy Sanchez and Sarah Kalama of the Nisqually Indian Tribe. Joseph Kalama of the Nisqually Indian Tribe observed the activities. He also performed traditional Nisqually ceremonies in the site area at the beginning and conclusion of the effort and provided ceremonial protection for the archaeologists engaged in the work [Wessen and Associates and HRA 2004:8, 12].

Over the course of this series of Tribally-sanctioned desecrations, completely unbeknownst to saləʔuɬkʷ Leonard Squally, at least sixteen additional disarticulated human bones and/or bone fragments and two *in situ* graves were uncovered, the scattered pieces and nearly whole bones being collected and sent to the Burke Museum at the University of Washington to join the bones of the ancestor who has been desecrated on January 20, 2003. Out of consideration for the current state of his health, I have not yet told him of these particular acts of genocide committed with the participation of his own relatives with the blessing of "his" government. The desecration of the intact graves of these two ancestors, whose physical appearance is described in intimate detail in the Wessen and Associates and HRA (2004) report, "caused all of the parties to become increasingly concerned that 45PI712 does, indeed, represent a cemetery, and we felt that continued soil stripping here was now likely to expose additional graves. As such, a decision to halt further ground stripping in the site area was made on April 9, 2004" (Wessen and Associates and HRA 2004:13). The ancestral remains that had been collected at from the site and sent to the Burke Museum stayed in that museum for five more months while the truth was being hidden from saləʔuɬkʷ Leonard Squally by the Tribal Council. His spirit, however, was horrifyingly aware that something was terribly wrong. It is while these desecrated ancestors were locked away at the Burke, during the summer of 2004 while on Tribal Journeys, that saləʔuɬkʷ Leonard Squally was struck by a massive heart attack in combination with a saltwater parasitic infection that ravaged his body, as I related in this introduction to this work.

While saləʔuɬkʷ was recovering, and without his knowledge or guidance, the decision was finally made in September of 2004, "to return all of the collected remains to the 45PI712 site area and then preserve the area from further impact as a cemetery. While the return and reburial were not a part of the original work plan, they amounted to a third episode of field activities that

occurred from September 13 to 17, 2004" (Wessen and Associates and HRA 2004:9). Wessen provides a detailed description of these "field activities" after noting that, "The reburial activities were conducted under the supervision of Richard Chesmore of Wessen & Associates, Inc. and Joseph Kalama of the Nisqually Indian Tribe. Mr. Kalama again performed traditional Nisqually ceremonies in the site area" (Wessen and Associates and HRA 2004:13). Rodney Proctor also provides an account of the reburial in his 2005 MUP project paper:

> In September, 2004, the Nisqually Indian Tribe agreed to a burial ceremony at the site where the new bones were found. Joe Kalama went to the Burke Museum and brought the bones back to the site. The companies prepared three separate graves for the bones, which were placed in lined cedar boxes per instruction from the Tribe's spiritual advisor. On the day of the burial, the companies prepared for the Tribe's members by having a tent erected with chairs to sit on and refreshments were served. Joe Kalama, the project Tribal observer as well as a Tribal "holy man", conducted the services in a traditional Native American manner with all the Tribal members participating and even the company employees present were invited to approach the open graves and throw in a handful of soil as a sign of respect [Proctor 2005:35].

All of the Tribal members were not participating, as salətʼuƛ̓kʷ̓ Leonard Squally was lying in his recovery bed at the nursing home in the town of McKenna. Joe Kalama may have conducted services "in a traditional Native American manner," but contrary to Wessen's claims, and the continued claims of the Weyerhaeuser Company, Kalama could not possibly have been conducting "traditional Nisqually ceremonies" because he has not been trained to conduct "traditional Nisqually ceremonies."

As I have noted several times throughout this work, salətʼuƛ̓kʷ̓ Leonard Squally is the only living Nisqually Tribal member who has been initiated into Seowin in over a century. I have not yet met anyone in the community who considers Joe Kalama to be a practitioner or officiant of "traditional Nisqually ceremonies." My partner Christopher has known Joe Kalama since early childhood, Kalama's family living next door to Chris' off of the reservation in the town of Yelm. Joe had taken Chris to his first powwow in Arlee, Montana on the summer break in

between Chris' two years in kindergarten. Joe's daughter Sara and her mother regularly visit Chris' mother throughout the year. Joe is family to my partner's family. I respect Joe as a person who has prayers in his heart for the people. He is a Sun Dancer, trained in the teachings of peoples who are not of Puget Sound. As one of my teachers tells me, "There is no mistake in prayer," and "There is no such thing as the Mohawk way, the Blackfeet way, it is the Creator's way" (Clayton Arrowtopknot, personal communication 2007). And on many levels I agree with my teacher and I do want to acknowledge Joe Kalama's attempts to spiritually care for these desecrated old ones. I also want to acknowledge the powerful prayers of all of our Christian Indigenous relations throughout the region and across Turtle Island as well. This does not change the fact that the teachings that are a part of Seowin *are of this land*, the land into which the Transformer blew his sacred breath, teachings specific to each ancestral village landscape and its peoples. salaʔtuʔbkʔ Leonard Squally holds that it is impossible to properly care for sqʷaliʔabs/Nisqually ancestors, and sentient sqʷaliʔabs/Nisqually landscapes, according to the instructions given by the Creator specific to this place without the teachings of Seowin, and without respecting the hereditary system of rights and responsibilities related to the seeking of spiritual power. And when the ancestors are improperly cared for, it can bring great harm to individuals and the community. salaʔtuʔbkʔ Leonard Squally was being kept from the work that the Creator had chosen him to do, and these desecrated old ones were extremely distressed because of it, placing his life in grave danger. As he tells me practically every day: Squallys are tough. His recovery from this, and the subsequent, near-death episode discussed in the introduction to this work, prove that this is true.

As salaʔtuʔbkʔ Leonard Squally continued his healing, and I buckled down to work on my first Master's degree to try to learn the skills that I needed to be able to better help him in his

work, new plans for perhaps the most devastating "development" project to be undertaken within the ancestral village landscape of sčəgʷaliču/Sequalitchew were starting to become solidified. Neither one of us were aware of the fact that in April of 2003, Weyerhaeuser's Greg Moore submitted a letter to Glacier's Ron Summers stating "On behalf of the Quadrant Corporation, I hereby authorize and provide written consent for Glacier Northwest to make application for Comprehensive Plan Amendment to expand the mineral resource overlay zone as provided in your application dated April 29, 2003" (Moore letter to Darling, April 29, 2003, document in possession of author). Glacier Northwest then quietly submitted an application which "requested an Amendment of the Comprehensive Plan Land Use Map to extend the City's Mineral Resource Overlay[131] to an approximately 200-acre area, owned by Quadrant Homes, south of the existing mining site" (Roos letter to Darling, April 29, 2005, document in possession of author). The state's Growth Management Act "requires cities to identify resource lands of long-term significance and provide for their on-going economic benefit. Resource lands include those suitable for agriculture, forestry, and mineral extraction. Of these only mineral extraction is a resource land in DuPont. Much of the City is underlain by gravely [sic] soils" (City of DuPont 2001 Comprehensive Plan quoted in City of DuPont Staff Report 2005:3, in City of DuPont Ordinance 06-816, document in possession of author). Through provisions of its 1995 Comprehensive Plan, the City of DuPont had "identified and designated mineral resources in an overlay area extending slightly more than one half mile north of the mouth of Sequalitchew Creek and approximately one half mile east of the Puget Sound Bluff" (City of DuPont Staff Report 2005:3, in City of DuPont Ordinance 06-816, document in possession of author).

[131] A Mineral Resource Overlay is "an overlay to the manufacturing/research, and residential land use categories" of a City's Comprehensive Management Plan which recognize "that mineral land should be conserved and that mineral extraction could potentially occur in a designated area subject to City review of a site-specific proposal" (City of DuPont Staff Report 2005:4).

In its 2003 proposal, Glacier was seeking to have the City amend its Comprehensive Plan to expand the Mineral Resource Overlay to include:

> an approximately 260-acre site located southeast of Glacier Northwest's current sand and gravel mining operation in portions of Sections 23, 26, and 27, Range 1 East, Township 19 of the City of DuPont […] Glacier requests that the 260-acre area be added to the City of DuPont's mineral resource overlay zone. Because mineral extraction is permitted in all use districts if the property is within the mineral resource overlay zone, Glacier is not requesting any change to the underlying use classifications shown on the City's official Zoning Map. *See* DuPont Land Use Code § 25.60.020 [Glacier Northwest 2003:1, in City of DuPont Ordinance 06-816, document in possession of author].

This 260-acre site, adjacent to the City's then-currently designated Mineral Resource Overlay, had not been included in Glacier's (then Lone Star) original 1992 mining proposal because at that time:

> elevated concentrations of iron and manganese were measured in the groundwater of the adjacent Fort Lewis Landfill No.5 […] The landfill was later remediated, and in 1995 was deleted from the Environmental Protection Agency's National Priority List. Possible on-site lead contamination from the former DuPont Works facility has also been remediated and the expansion area is no longer subject to the Department of Ecology Consent Decree. As a result of these clean-up actions, the mineral deposits in the expansion area are now commercially significant, and the City may extend its mineral resource overlay zone to include them [Glacier Northwest 2003:1-2, in City of DuPont Ordinance 06-816, document in possession of author].

Fort Lewis Landfill No. 5 is the Superfund site which had purportedly been remediated by the Department of Ecology during the construction of the during the fast-tracked, unfounded documented categorical exclusion project otherwise known as the Interstate 5 Center Drive interchange. While this interchange had been demanded by Intel, it seems that Weyerhaeuser and Glacier had just been waiting their turn to take additional advantage of the complete lack of environmental compliance associated with the "clean up" of the Army's toxic landfill. This was in addition to the former DuPont Powder Works lands that had been deleted from the Consent Decree in 1997, otherwise known as Parcel 2 (or Parcel 1 if you ask Randy Proctor), which had

also not been subjected to adequate environmental or cultural resources review prior to remediation, had become *commercially significant* along with the Superfund site.

Glacier argued that the industrial exploitation of these glacially deposited, anthropogenically managed ancestral cultural landscapes was, after all, inevitable as "the GMA *requires* the City to designate mineral lands so that mineral resources are conserved for future productive use" (Glacier Northwest 2003:2, in City of DuPont Ordinance 06-816, document in possession of author; emphasis added). Glacier asserted that the expansion of the overlay:

> is consistent with the Growth Management Act's policy of protecting and enhancing natural resource lands, including mineral lands […] Decisions of the Central Puget Sound Growth Management Hearings Board have confirmed that any mineral lands of long-term commercial significance should be designated in a comprehensive plan.' *The Washington Supreme Court has explained that "[n]atural resource lands are protected not for the sake of their ecological role but to ensure the viability of the resource-based industries that depend on them."* King County, 142 Wn.2d at 559 […] Glacier's proposed amendment would allow the productive use of areas which will otherwise likely remain undeveloped over the next decade [Glacier Northwest 2003:2, in City of DuPont Ordinance 06-816, document in possession of author; emphasis added].

According to Glacier's rationale, administrative and jurisprudential bodies expected the exploitation of mineral lands.

> Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence [Tuck and Yang 2012:5].

One of the last remaining "undeveloped" segments of the formerly vast gravelly outwash prairies and kettle wetlands of the sčəgʷwaliču/Sequalitchew ancestral landscape has been administratively rendered a sacrifice zone. This ancient sentient landscape cradles the bones of countless ancestors and is replete with places of power and of great historical, cultural, and spiritual significance to sqʷaliʔabs/Nisqually peoples. The "externalities" of capitalism are given

the force of law within the shape-shifting Settler colonial present at the nexus of genocide and ecocide. “This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation” (Tuck and Yang 2012:5).

Directly across the creek at the heart of this landscape, a contradictory Settler re-mapping was unfolding. In November 2000, Congress had provided the USFWS $2 million “earmarked for a land purchase on the East Bluff of the Delta. The area of the Refuge referred to as the East Bluff “is east of the Refuge and is bordered on the north by Sequalitchew Creek, on the west by Puget Sound, on the south by I-5, and the eastern boundary follows property lines, including most of the forested habitat west of Fort Lewis: (USFWS 2005:3-1). In December 2004, the Service purchased 20 acres of forested habitat from the Cascade Land Conservancy, who had purchased the land from Quadrant, a subsidiary of Weyerhaeuser on behalf of the Service” (USFWS 2005:1-6). In March of 2005, the USFWS issued its Comprehensive Conservation Plan in which “3,479 acres have been added to the approved Refuge boundary,” and now included the most of the shorelands of the sčəgʷaliču/Sequalitchew ancestral village landscape (USFWS 2005:2-6).

> Landowners within the approved Refuge boundary may or may not wish to participate in the Service’s habitat protection objectives, or may not wish to divest themselves from their land management responsibilities. However, the expansion boundary provides the Service with future habitat protection options if willing sellers and participants and available funds present themselves in the future [USFWS 2005:4-3].

While Glacier and Weyerhaeuser needn’t worry about the effects of this designation on their land use decisions, how the expansion of the gravel mine would support the objectives of the USFWS in managing its own lands within the boundary, including its plans for “habitat restoration including restoring 699 acres of diked freshwater marsh to estuarine habitat” is not evident (USFWS 20-05:1-1).

However, lest we be led to believe that the ecological health and integrity of the Sequalitchew village ancestral landscape, its interconnected chain of kettle lakes, the Nisqually Delta, the Nisqually National Wildlife Refuge or southern Puget Sound would be compromised by a tremendous increase in the size of the mine, we are reassured that Glacier is committed to not only ecologically sustainable, but ecologically *beneficial*, subsurface resource extraction:

> Glacier has worked to develop a proposal that will confer both mining and ecological benefits. As discussed below, under Glacier's preferred alternative the expanded mineral resource overlay will not only ensure the viable use of valuable mineral resources, but will also provide unique environmental benefits for the residents of DuPont by substantially enhancing and expanding stream habitat in and around Sequalitchew Creek […] Current low flows in Sequalitchew Creek allow only a limited natural production of anadromous fish […] If the City approves the proposed expansion of the mineral resource overlay, and Glacier obtains a permit for its preferred mining alternative, future mining activities would redirect groundwater from the subject property's shallow aquifer to a newly created stream, provisionally called "North Sequalitchew Creek," and then to the existing Sequalitchew Creek. The additional flows of 5 to 10 cfs would enhance approximately one-half mile of habitat in Sequalitchew Creek for anadromous species, including cutthroat trout, coho and chum salmon, and, depending on ultimate flows, the threatened Puget Sound chinook salmon. In addition, North Sequalitchew Creek would provide several thousand lineal feet of additional salmonid habitat. Without the proposed amendment of the City's mineral resource overlay the subject property would eventually be cleared and paved for industrial or residential uses, Sequalitchew Creek would continue to remain dry during the crucial summer months, and the opportunity to ensure viable salmon habitat within the City would be lost [Glacier Northwest 2003:3, in City of DuPont Ordinance 06-816, document in possession of author].

Never mind the fact that the restoration of prime salmon habitat in sčəgʷaliču/Sequalitchew Creek could be accomplished with far less ecological devastation by removing the Fort Lewis Diversion dam. Restoration of habitat through the creation of a man-made "creek" after more than a decade of mining and dewatering of the Vashon aquifer would undoubtedly lead the creation of "better" conditions for wild salmon and hatchery productivity. Glacier was apparently being compelled to mine the property for the sake of the salmon.

"During January 2005, HRA and its subcontractor, Dr. Gary Wessen of Wessen & Associates, Inc., reviewed background information and conducted a field survey including

excavation of subsurface shovel probes in two areas of high sensitivity near the Sequalitchew Creek canyon. Mr. Joseph Kalama of the Nisqually Indian Tribe participated in the fieldwork" (Wessen et al. 2005:1). Wessen and Kalama were digging along the creek banks in January of 2005 because HRA and its W & A subcontractor had themselves been subcontracted by Huckell/Weinman Associates, Inc. [HWA]. HWA is the engineering firm which was then undertaking a Supplemental Environmental Impact Study [SEIS] for the planned, but not yet proposed, expansion of the massive gravel mine that had started operating in 1997. Glacier Northwest, successor in name to Lone Star Sand and Gravel, apparently had:

> plans to expand the existing Pioneer Aggregates Mine located near Sequalitchew Creek just northeast of the City of DuPont in Pierce County, Washington. The existing mine has been in operation since 1997, and the proposed alternative for expanding the mine by 200 acres would add about 8-12 years of mining to the operation. The Project is called the Glacier Northwest North Sequalitchew Creek SEIS. The proposed expansion would include the creation of a new tributary to Sequalitchew Creek, North Sequalitchew Creek, with riparian zones and wetlands that would dewater the mining area. An alternative proposal would involve constructing a straight ditch to accommodate dewatering of the mine rather than creating a new creek tributary [Wessen et al. 2005].

Wessen et al.'s report on the survey was published in April 2005, and while they had confirmed the location of a number of sites within and near the proposed expansion area south of the existing mine, they had located no previously unrecorded sites. They did, however, find four pieces of chipped stone debitage along the banks of the creek which were recorded with the state as an isolate (Wessen et al. 2005). At the end of April 2005, shortly after Wessen et al.'s survey report was released, Glacier amended its application to the City to have the mineral resource overlay designation expanded even further. "The purpose of the Revised Application is to include an additional 201-acre area, north of the existing mining site, in the overlay" (Roos letter to Darling, April 29, 2005, in City of DuPont Ordinance 06-816, document in possession of author). An enormous expansion of gravel mining operations, and the dewatering of the Vashon

Aquifer, was being proposed which envisioned a transformation of this landscape at a scale exceeded only by the transformations rendered by the last coming of the ice.

On May 20, 2005, the City of DuPont issued a "notice of application" to "amend the City's Comprehensive Plan and Zoning Map by adding 401 acres of land to the Mineral Resource Overlay Zone," and opened to proposal to a 15-day comment period (Settlement Agreement 2012 Appendix A Exhibit 2:1; City of DuPont Staff Report 2005, in City of DuPont Ordinance 06-816, document in possession of author). "The notice comment period closed June 3, 2005. *No comments were submitted during the comment period*" [emphasis added] (City of DuPont Staff Report 2005:1, in City of DuPont Ordinance 06-816, document in possession of author). One comment letter had been submitted to the City in February of 2005, prior to Glacier's amendment of its application. This letter was from Richard Robinson, Jr., the President of the DuPont Historical Society, and Burt Wyants, Chair of the DuPont Museum, asking for better protections for the Episcopal Mission site (Robinson and Wyants letter to McDonald, February 18, 2005, in City of DuPont Ordinance 06-816, document in possession of author). The City issued a new EIS addendum in June of 2005 pertaining to the proposed amendment to its Comprehensive Plan, noting that, approval of the amendment would not authorize mining, or change underlying land use designations. "Approval of a project development application and completion of environmental review would be required before mining could occur on any designated mineral resource lands" (City of DuPont EIS Addendum 2005:4, in City of DuPont Ordinance 06-816, document in possession of author).

On June 16, 2005, the City held a community workshop and on June 3 and 27, the Planning Agency held a public hearing on the Comprehensive Plan amendment, taking public testimony (City of DuPont 2005, in City of DuPont Ordinance 06-816, document in possession

of author). On August 3, 2005, Steven Perrenot, Director of Public Works for the U.S. Army/Fort Lewis, wrote to the City's Director of Community Development to express the Army's concern that:

> the depth and extent of the proposed mining operations as well as the proposed Sequalitchew Creek modification could alter the surface water and groundwater hydrology within the Sequalitchew Lake watershed. If surface water levels and drainage patterns were significantly altered, then it is possible that Sequalitchew Spring (which is Fort Lewis's primary drinking water source) could be adversely impacted [Perrenot letter to Darling, August 3, 2005, in City of DuPont Ordinance 06-816, document in possession of author].

The City Planning Agency decided to table discussion of the amendment on August 8, 2005, "to provide staff additional time to conclude the environmental review of the amendment and prepare a staff report for consideration" (City of DuPont Staff Report 2005:2, in City of DuPont Ordinance 06-816, document in possession of author). On November 4, 2005, the Planning Agency announced that hearings on the proposed amendment would resume on November 28, 2005 and the City of DuPont issued its Staff Report on the proposal on December 1, 2005. On January 1, 2006, Weyerhaeuser's Quadrant subsidiary and Glacier entered into a Memorandum of Lease pertaining to lands within Sections 22 and 23, Township 19 North, Range 1 East, W.M., now being referred to as the "Leased Area" (Pierce County Auditor Recording No. 200612290237), and an additional parcel designated "Glacier's Adjoining Lands" in Sections 14, 15, 22 and 23 (Appended to Assignment and Assumption Agreement for the Sand and Gravel Mining Lease, Pierce County Auditor Recording No. 200701080464).

In regard to the former tract, Glacier, as the Lessee, reaffirmed its rights to mine, stockpile, load and sort sand and gravel and other rights incidental to its mining, as well as reserving the right of first opportunity to enter any sand and gravel lease in the leased area. In regard to the latter tract, of which Glacier was the owner of record, Quadrant reaffirmed its rights

to royalties from the mining operation, rights of entry and easement, and the "covenant of Owner not to mine sand or gravel or allow others to do so" (Appended to Assignment and Assumption Agreement for the Sand and Gravel Mining Lease, Pierce County Auditor Recording No. 200701080464). While the documentary record for the first half of 2006 appears to be rather limited, it was during this time that salətʼuƀkʷ Leonard Squally had a massive heart attack and kidney failure, slipping into a coma for two weeks and regaining consciousness in the arms of his sister Annie and myself, as shared in the introduction to this work.

On July 24, 2006, Weyerhaeuser and the DOE entered into a new Restrictive Covenant regarding the future use of the portion Parcel 1 of the Consent Decree area lying north of sčəgʷaliču/Sequalitchew Creek, as it had been determined that "the Remedial Action resulted in residual concentrations at portions of the Property of hazardous substances which exceed the soil and groundwater cleanup levels specified in MTCA for unrestricted land uses" (Pierce County Auditor Recording No. 200607251020). The following day, on July 25, the City of DuPont approved an ordinance amending its Mineral Resource Overlay designation to include the lands which Glacier proposed to mine within the former Parcel 2 of the Consent Decree area and north of the existing mine (City of DuPont Ordinance 06-816). This new overlay also happened to include the lands within Parcel 1 which had just been relegated to industrial use through the new restrictive covenant. On July 26, Weyerhaeuser and Quadrant filed a Quit Claim Deed in which Weyerhaeuser sold lands to Quadrant for ten dollars in Sections 26 and 27, inclusive of a portion of the lands to which the new restrictive covenant had been appended (Pierce County Auditor Recording No. 200608030725). On September 13, 2006, Weyerhaeuser and Quadrant filed an additional Quit Claim Deed in which Weyerhaeuser once again sold lands to Quadrant within

Sections 26 and 27 for ten dollars, these lands also containing a portion of the newly designated industrial use tract (Pierce County Auditor Recording No. 200609140564).

One December 29, 2006, a new land-owning entity enters the scramble for profit within the sčəgʷaliču/Sequalitchew village ancestral landscape. For ten dollars and other valuable consideration, Quadrant sold the lands that it has just purchased from Weyerhaeuser in Sections 22, 23, 26, and 27 to WPP, LLC, a company to which I will return momentarily (Pierce County Auditor Recording No. 200612290239). Portions of the lands encompassed by the deed are subject to the provisions of the restrictive covenants pertaining to industrial use, and a portion of the lands are also subject to the restrictive covenant pertaining to the Nisqually-Sequalitchew Historic District. The deed also contains provisions which state that the land will revert to Quadrant's ownership in the event that WPP fails to provide required payments subsequent to the tenth anniversary of this land sale, or if Glacier or a successor lessee "had determined that it is impracticable to obtain all of the permits necessary to allow sand and gravel mining on the Lease Expansion Area" (Pierce County Auditor Recording No. 200612290239). There is an additional provision appended to this deed which provides a momentary glimpse of behind the scenes negotiations with the Nisqually Tribal Council which remain shrouded from my inquiry. In Exhibit C to the Deed, Excerpt from Purchase Agreement, Article 14 Right of First Refusal, 14.1 Limitations on Seller's Right of First Refusal, it states, in part:

> The parties agree and acknowledge that the right of first refusal set forth in this Article 14 shall not apply to: […] (e) a transfer pursuant to the option to purchase in favor of the Nisqually Tribe provided in that certain *unrecorded* Comprehensive Agreement Re: Cultural Resources among Quadrant Corporation, Weyerhaeuser Real Estate Company, Weyerhaeuser Company and the Nisqually Indian Tribe dated March 9, 2005 [Pierce County Auditor Recording No. 200612290239].

As the Nisqually Tribal Council has ignored repeated requests from salaʔtuƀkʷ Leonard Squally to provide him with a copy of this March 2005 Comprehensive Agreement, he has no way of

knowing the level of desecration and destruction of ancestral gravesites, and other culturally and historically significant sites and landscapes, to which the Tribe has given its consent. Based on the current state of the sčəgʷaliču/Sequalitchew ancestral village landscape, this agreement has done absolutely nothing to protect archaeological sites, sacred places, sites and landscapes or significance, and sqʷaliʔabs/Nisqually ancestors from the ravages of Weyerhaeuser and its subsidiaries and business partners in a manner in keeping with the inherited ancestral teachings which Hereditary Chief salətʼuṕkʷ Leonard Squally carries on behalf of his people.

On the same day as these lands were sold to WPP LLC, Quadrant also assigned all of its rights, title, and interest in the January 1, 2006 sand and gravel mining lease to WPP, with the latter assuming Quadrant's obligations under the lease in an Assignment and Assumption Agreement for the Sand and Gravel Mining Lease (Pierce County Auditor Recording No. 200701080464). The WPP signatory on both the Assignment and Assumption and the Statutory Warranty Deed is a Nick Carter, listed as the President of the Huntington, West Virginia-based company who now owned these lands that were to be mined by Glacier. Also listed on the deed as a person to whom a copy of this deed was provided, is Wyatt Hogan, Vice President and General Counsel, Natural Resource Partners L.P., based out of Houston, TX (Pierce County Auditor Recording No. 200612290239). WPP LLC is also known as Western Pocahontas Properties, an assignee of Natural Resource Partners [NRP] LP. "WPP LLC was incorporated in 2002 and is based in Houston, Texas. WPP LLC operates as a subsidiary of Natural Resource Partners LP" (Bloomberg Business Week n.d.). On the NRP Management Team Website, it is noted that:

> Nick Carter has served as President and Chief Operating Officer of GP Natural Resource Partners LLC since 2002. He has also served as President of the general partner of Western Pocahontas Properties Limited Partnership and New Gauley Coal Corporation since 1990 and as President of the general partner of Great Northern Properties Limited

> Partnership from 1992 to 1998. Prior to 1990, Mr. Carter held various positions with MAPCO Coal Corporation and was engaged in the private practice of law. He is Chairman of the National Council of Coal Lessors, a past Chair of the West Virginia Chamber of Commerce and a board member of the Kentucky Coal Association, West Virginia Coal Association, Indiana Coal Council, National Mining Association, ACCCE, Foundation for the Tri-State Community, Inc., Community Trust Bancorp, Inc., Vigo Coal Company, Inc. and Carbo*Prill, Inc. [NRP 2008].

Nick Carter is President of both WPP and NRP. Wyatt Hogan:

> has served as Vice President, General Counsel and Secretary of GP Natural Resource Partners LLC since 2003. Mr. Hogan joined NRP in May 2003 from Vinson & Elkins L.L.P., where he practiced corporate and securities law from August 2000 through April 2003. He has also served since 2003 as the Vice President, General Counsel and Secretary of Quintana Minerals Corporation, the Secretary for the general partner of Western Pocahontas Properties Limited Partnership and as General Counsel and Secretary for the general partner of Great Northern Properties Limited Partnership. He is also member of the Board of Directors of Quintana Minerals Corporation. Prior to joining Vinson & Elkins in August 2000, he practiced corporate and securities law at Andrews & Kurth L.L.P. from September 1997 through July 2000 [NRP 2008].

And Texas-based NRP "was formed by combining resources from Arch Coal, Inc., the second-largest U.S. coal producer, with selected properties of the WPP Group, the largest private owners of coal in the nation. This master limited partnership has developed profitable growth strategies that we believe will enable NRP to thrive in most market conditions" (NRP Annual Report 2002:1). While NRP is headquartered in Houston, TX, the partnership also maintains operational headquarters in Huntington, WV.[132]

Why would Weyerhaeuser allow a West Virginia-based coal company owned by a Texas-based resource property management and ownership firm to cut in on its share of the mining profits? Is there that much money to be made in sand and gravel? Or does it have something to

[132] Natural Resource Partners was formed in April 2002 with "selected properties" from a number of companies, including "Great Northern Properties L.P. Great Northern Properties L.P. (GNP) was formed in 1992 to acquire the coal-related assets of Burlington Railroad. The Montana properties contributed to NRP accounted for approximately 14% of NRP's reserves at December 31, 2001. GNP is privately held" (NRP Webpage "Formation of NRP"). Burlington Northern, successor to Great Northern Railroad and Northern Pacific Railroad, is a property owner in sčəgʷaliču/Sequalitchew, and all of these connections remind me of the "good old days" of J.P. Morgan, James J. J. Hill, and Frederick Weyerhaeuser.

do with the gold? Recall from Chapter 2 that during the first meeting of the first Washington Territorial Legislature, A.J. Bolon had interrupted the proceedings flush with gold fever, as the yellow metal had just been discovered on the beach at Steilacoom just north of the Glacier Northwest Sand and Gravel mine. Weyerhaeuser certainly hasn't forgotten, as indicated by the agreement they entered into with WPP on December 29, 2006, the same day as the deed and assignment and assumption were signed. This Agreement Regarding Mineral Rights Reservation pertaining to lands within Sections 22, 23, 26, and 27 states, in part, that Quadrant is selling these lands to WPP and that WPP "intends, by and through a lessee, to extract sand and gravel from the Property for commercial sale" (Pierce County Recording No. 200612290241). Weyerhaeuser Company has mineral rights which affect this property which it was clarifying in this document in order, "To induce WPP to purchase the Property from Quadrant" (Pierce County Recording No. 200612290241). Provision 4 of the Agreement is revealing and states in part that:

> As part of its Mineral Rights, Weyerhaeuser has an interest in removing gold that is produced as a byproduct of sand and gravel mining ("Gold Recovery"). Such Gold Recovery will require the installation of equipment, by Weyerhaeuser, ancillary to the sand and gravel mining and processing equipment (the "Gold Recovery Equipment"). If Weyerhaeuser elects to conduct Gold Recovery from the Property, it shall (a) do so at its sole cost and expense and in a manner that does not interfere with normal sand and gravel mining of the Property by WPP or its lease and (b) be solely responsible for disposing of all waste material or byproducts from Gold Recovery in accordance with applicable law […] Weyerhaeuser shall give WPP at least sixty (60) days' written notice prior to engaging in any Gold Recovery from the Property. Such notice shall give detailed information about the nature and extent of Weyerhaeuser's planned Gold Recovery, including without limitation (a) descriptions of the proposed locations where Gold Recovery Equipment will be installed and (b) Weyerhaeuser's proposed plan for minimizing any disruption of sand and gravel mining by WPP or its lessee; *provided*, however, that such information shall not include confidential or proprietary information pertaining to technology, recovery rates, quantities, or the value of recovered gold [Pierce County Recording No. 200612290241].

It seems that Weyerhaeuser was now in the gold business. It is incredible to me that in none of the environmental, geological, and hydrogeological studies that I read in preparation for writing

this dissertation, in none of the court decisions, and in none of the objections to the mine have I found a single reference to gold recovery, or its impacts, in relation to the mine.

The DSEIS for the *Glacier Northwest DuPont Mining Area Expansion and North Sequalitchew Creek Project* "was published on December 15, 2006. I have not been able to locate online copies of the DSEIS, and cannot at this time afford to pay the City of DuPont for copies of this lengthy document and its appendices. The May 2007 FSEIS for the project contains a description of the proposed expansion, "located just southeast of the existing Pioneer Aggregates Mine in the City of DuPont, southwestern Pierce County, sections 22, 23, 26, and 27, Township 19 North, Range 1 East of the Willamette Meridian […] The proposed expansion area is owned by Weyerhaeuser and would be leased to Glacier Northwest" (City of DuPont 2007:1-1). By the time that this document was issued in May of 2007, Weyerhaeuser no longer owned these lands and WPP is mentioned nowhere in this compliance document. The project:

> The Proposed Action includes a 177.23-acre expansion (generally referenced as approximately 200 acres) and extension of the existing rate of mining for an additional approximate 14 year period, and the creation of North Sequalitchew Creek and an associated riparian and wetland areas […] Mining may occur in these areas subject to City regulations. The proposed expansion would increase the operating life of the mine by six to eight years and available sand and gravel resources by 30 to 40 million tons, depending on market conditions. No change to mining operations or the existing processing facilities area proposed [City of DuPont 2007:1-2].

In order to extract this 30 to 40 million tons of gravel, Glacier proposed a dewatering plan for the Vashon Aquifer by constructing a manmade channel which they named "North Sequalitchew Creek":

> An existing aquifer would be exposed to permit mining. To enable mining to occur in relatively dry material, Glacier is proposing to construct North Sequalitchew Creek to convey groundwater from the proposed expansion area to the existing Sequalitchew Creek. North Sequalitchew Creek would be designed to provide additional fish habitat and to also improve spawning and rearing conditions for fish in Sequalitchew Creek. During initial mining activities, dewatering would be achieved by installing wells on the perimeter of active mining areas until North Sequalitchew Creek is established. Once this

> occurs, the wells would be decommissioned and the Creek would intercept the groundwater while mining continues in the remaining portions of the expansion area. During construction of North Sequalitchew Creek, groundwater would be discharged to Sequalitchew Creek. A flow dissipater would be installed at the point of discharge to Sequalitchew Creek to reduce the velocity of the discharged water in order to avoid channel or streambank erosion [City of DuPont 2007:1-2].

Glacier was proposing to dewater a single unconfined aquifer within a subsurface waterscape consisting of interconnected aquifers which underlay the mine expansion lands. Mining would then occur in phases, with the active mine area consisting of between 70 and 190 acres at one time. "In general, reclamation would consist of regrading, replacement of topsoil, and revegetation […] North Sequalitchew Creek and its associated wetlands would be constructed in phases over approximately six to eight years. Approximately 10 million tons of sand and gravel material would be removed to construct the new channel" (City of DuPont 2007:1-3). The sacred kettle lakes and prairie-fringed wetlands destroyed through mining were to be replaced with engineered wetland areas.

"The degree to which surrounding wetlands and streams could be impacted by the proposed drawdown is dependent on the hydraulic connection between surface water and aquifer water within these aquatic resources" (City of DuPont 2007:3-103). Glacier had absolutely no idea how these subsurface aquifers, and the wetlands and kettle lakes which they feed, would be impacted by the dewatering. "Many of these sediment layers and aquifers extend beneath portions of adjacent watersheds to the north and south. Therefore, it is highly likely that some natural groundwater exchange occurs between these watersheds. The extent of the exchange of water between the watersheds is currently unknown, although there is evidence that it may be substantial" (Watershed Professionals Network, Envirovision, and GeoEngineers 2002:9). The Sequalitchew Creek Watershed Council's summary of the proposal is sobering:

> Cal-Portland's mining plan in this area would puncture and dewater our aquifer (groundwater system) and remove the water (de-water it), forever lowering the underlying water table even further, causing more than 4,000 linear feet of Sequalitchew creek to go dry, Edmonds Marsh Wetland complex water level to drop by 1.5 feet, threaten our city supplied drinking water, and the health of our South Puget Sound shoreline [Sequalitchew Creek Watershed Council 2011].

Again, while Glacier planned to dewater a single unconfined aquifer, the interconnected and highly permeable nature of the subsurface waterscape made this a virtual impossibility.

Glacier was considering two alternatives to this incredibly devastating proposal: one was to use a pipeline rather than a manmade "creek" to dewater the Vashon Aquifer and channel its waters into Sequalitchew Creek. The other alternative was a No-Action alternative, which must be provided within any EIS:

> Under No-Action, clearing, mining, processing, and reclamation would continue as currently permitted on the existing site. Mining of the expansion area, and dewatering and creation of North Sequalitchew Creek, would not occur. Consequently, the No-Action Alternative would not include the creation of wetlands or fish habitat in North Sequalitchew Creek, and would forego any beneficial impacts to fish habitat in the lower reaches of Sequalitchew Creek from the enhanced water flows [City of DuPont 2007:1-4].

Glacier once again provides the rationale that mining was *essential* to the restoration of salmon habitat. Enhanced water flows in Sequalitchew Creek through the removal of the Fort Lewis Diversion Dam was apparently not a viable option for creek and salmon restoration. Returning water to the creek that was being artificially diverted to Tatsolo Point would restore flows to the point where the Creek might become subject to provisions of the SMA as a shoreline, stopping the mine expansion in its tracks. What sense did that make for the health of the watershed?

The 2006 DSEIS "was initially circulated for a 30-day comment period from December 15, 2006 to January 15, 2007. The comment period was extended for an additional 15-day period by public request. A total of six comment letters were received from state agencies, organizations, and a member of the general public" (City of DuPont 2007:i). For a project of this

scope, in the Nisqually Delta, next to a National Wildlife Refuge, in a context in which numerous environmental groups had long battled against such devastation to have generated only *six* comment letters inclusive of those sent by government agencies, indicates that perhaps this document was not as well circulated and well-publicized as it needed to be. The 2007 FSEIS contains copies of two comment letters submitted during the comment period on the DSEIS. One letter is from the State DOE, and it mentions the potential applicability of federal permitting requirements, makes mention of potential shoreline status of the brackish marsh, and contains two paragraphs regarding positional contamination of the site (DOE letter to Darling, January 12, 2007 in City of DuPont 2007:4-1). DOE apparently had no issue with the impacts of dewatering and mining themselves. The other letter is from Stephenie Kramer, Assistant State Archaeologist with DAHP [formerly OAHP]. Data from Wessen et al. (2005) formed the basis of the cultural resource compliance related section of the SEIS. Kramer states that:

> we were quite surprised to not have been included in the distribution list for this SEIS but had to find the SEIS on the internet. As such we had fewer than two days to review the documents. We are further disappointed to find that the cultural resources report, including maps, was published in its entirety on the internet. Archaeological sites are exempt from public disclosure as per RCW 42.56.300 because they are sensitive, non-renewable resources and can be subject to vandalism and looting if their locations are known [Kramer letter to Darling, January 12, 2007 in City of DuPont 20074-3].

I requested a copy of the FSEIS from the Department of Ecology in 2011. I was mailed three discs, none of which contained the FSEIS, or the DSEIS, but contained numerous appendices of these studies, including the cultural resources report. Apparently DOE staff is as unaware of state law pertaining to disclosure of information regarding the locations of archaeological sites as is the City of DuPont. Kramer notes many deficiencies in the report, listing eleven necessary changes and stating that "At this time, we cannot consider the cultural resources report complete" (Kramer letter to Darling, January 12, 2007 in City of DuPont 2007:4-3). After almost

twenty years of working within the sčəgʷaliču/Sequalitchew village ancestral landscape on countless compliance reports, one might think that HRA archaeologists would have learned how to draft a complete report.

One of the most obvious problems with Glacier's plans for the mine expansion is that they violate provisions of the 1994 Settlement Agreement between Glacier's predecessor, Lone Star, WRECO, the City, and numerous environmental groups which has been discussed at length in the previous chapter. As noted, according to the 1994 Agreement, "WRECO and Lone Star agree to seek no permits in the future to mine […] in a manner that would significantly impact the flow of Sequalitchew Creek" (Settlement Agreement 1994 Section II.B.5:22). Without question, dewatering the Vashon aquifer would have tremendous impacts on creek flows, as well as would reclamation plans to divert water from the aquifer into the creek. Once again, the Nisqually Delta Association raised objections to the planned devastation of the eastern side of the Nisqually Delta, initiating discussions which would lead the NDA to invoke, in January of 2009, the dispute resolution process articulated within the 1994 Settlement Agreement.

As plans for the mine expansion began to take shape, residential and commercial development of the Hoffman Hill area, the subject of the Tribe's 2003-2004 lawsuit against the City, came to a brief halt with the "unexpected" discovery of an extensive, multi-component sqʷaliʔabs/Nisqually archaeological site on June 7, 2007, which came to be referred to as 45-PI-777 Hoffman Hill. Uncovered during preconstruction ground scraping, the site sits on a terrace and "consists of at least one, and possibly more apparent rock ovens, some burned areas possibly representing fires for camping, shellfish remains, and scattered lithic tools and debris. Another apparent rock oven has been identified on a lower terrace" (Baumgartner et al. 2007:2). While "No other archaeological features or deposits were identified in the vicinity of the oven during

the scraping process," subsequent inspection of the site showed that it contained, at the time of its recording:

> chipped lithic tools including a projectile point and a biface, cobble flakes and possible cobble tools, lithic manufacturing debris, shell, possible botanical remains, and two apparent rock ovens possibly used for resource processing, as well as a few burned areas that may represent campfires […] lithic artifacts have been collected as isolated finds from the topsoil spoils piles and windrows associated with recent construction grading. Two cryptocrystalline flakes have been collected from limited shovel probing in the area of a small mussel shell deposit [Baumgartner, et al. 2007:3].

This was a significant "discovery" and, if a more complete environmental and archaeological review had been required through the SEPA process, or as an outcome of the settlement of *Nisqually Tribe v. City of DuPont*, this desecration would likely have been avoided.

As it turned out, neither the Tribal monitor nor the Tribal Council seemed to care very much at all:

> After consultation with Quadrant Homes and the Nisqually Tribe, HRA prepared and submitted an application for an excavation permit (No. 07-18) to the Washington Department of Archaeology and Historic Preservation (DAHP) on July 3, 2007. DAHP granted the excavation permit on July 6, 2007. Data recovery was conducted at the Hoffman Hill Site 45PI777 from July 9, 2007 through July 19, 2007. Data recovery methods included systematic pedestrian and shovel probe surveys, the use of heavy machinery to remove overburden and construction spoil piles, and the placement and excavation of fifteen excavation units. Heavy machinery was also used at the end of data recovery to systematically scrape the site area to identify any further archaeological features that might have not been identified during data recovery survey and excavations. All use of heavy machinery within the archaeological site was monitored by HRA archaeologists and periodically by a monitor from the Nisqually Tribe [Kaehler 2007a:1].

Rather than demanding an immediate halt to construction and preservation of the site *in situ*, the Tribe had agreed to further desecration and ultimately the destruction of the site through data recovery and subsequent construction, "periodically" monitored by Joe Kalama. After the site had been torn open and initially desecrated, data recovery and analysis led HRA archaeologists to interpret the site:

> to represent a temporary, prehistoric camp occupied during at least two separate episodes approximately 1,200 years apart. Activities at Site 45PI777 appear to have included camping, the cooking of food for immediate consumption and the production and maintenance of lithic tools including projectile points, perforators, scrapers, and cobble tools. Radiocarbon dates obtained from charcoal samples excavated from Features 1 and 8 (both hearth features, Figures 7 and 8) yielded date ranges of 1,889 to 1,775 years BP and 505 to 331 years BP, respectively. These hearths, based on analysis of FMR [fire modified rock], shellfish, and botanical samples, were most likely utilized for the cooking of foods for immediate consumption (rather than processing for transport and later storage) […] Lithic tools represented at Site 45PI777 included eight core tools, seven projectile points, 26 utilized flakes, three denticulates, three perforators/awls and scrapers made from a variety of materials (i.e., basalt, chert, chalcedony, jasper, and petrified wood) (Figures 11, 12, 13, 14). The archaeological sample from the Hoffman Hill Site (45PI777) reflects all stages of lithic reduction and includes a relatively high diversity of artifact types for the number of recovered tools, suggesting the site's role as a field camp, as opposed to a short-term, specialized use site [Kaehler 2007b:3 in Kaehler et al 2008].[133]

These must have been busy people if this was just a "temporary prehistoric [sic] camp." It is possible that the settlement that came out of *Nisqually Tribe v. City of DuPont* had inhibited the Tribe's ability to stop these crimes. Or, perhaps the then-current Tribal Council, under the leadership of former Weyerhaeuser employee and current Tribal Chair Cynthia Iyall remained uninformed of the discovery, or perhaps they knew but did not think protecting sqʷaliʔabs/Nisqually cultural patrimony was a priority. salətʼupʔkʷ Leonard Squally, along with many Tribal Elders and Tribal members, could not possibly disagree more.

Some insight into the settlement concluding *Nisqually Tribe v. City of DuPont* may be contained in this excerpt from *Archaeological Monitoring at the Pioneer Middle School Site, City of DuPont, Pierce County, Washington*:

> Archaeological monitoring for the Pioneer Middle School site *followed procedures established for the Quadrant Homes Hoffman Hill area developments*. These procedures include: 1) Complying with the 1988 and 1989 Memoranda of Agreement and the comprehensive management plan for cultural resources (Welch 1989), with customary professional standards, and with applicable state and federal laws. 2) Allowing at least one Nisqually Tribal representative to be present during any construction activities. 3)

[133] This excerpt is from the 45-PI-777 site form, dated November 5, 2007 (Kaehler et al. 2007b), appended to Kaehler (2008), not the 45-PI-777 site form authored by Baumgartner et al. (2007) found in the DAHP database.

> Notifying the individual designated by the Tribe if Native American cultural resources are discovered during any development activities. Construction activities that might disturb or affect such resources would stop until the Tribal designee has had the opportunity to examine the site. 4) If the Tribe does not designate an individual, the requirements would not apply. If the Tribal representative cannot be reached through reasonable efforts, construction would not need to stop, although the archaeological work would continue to follow the 1988 and 1989 Agreements and all applicable legal standards. 5) Donating to the Nisqually Tribe, Native American artifacts recovered during construction activities. [Hoffman and Thompson 2007:3-4; emphasis added].

If these monitoring provisions, established for the Hoffman Hill area developments, arise from the settlement of *Nisqually Tribe v. City of DuPont*, then the Tribe had agreed to far weaker protection of cultural resources out of this settlement than they had insisted on for the protection of sites within the Consent Decree area just a few years previously, and which had been referenced as a "principle" in the 2001 Agreement in Principle between the Tribe and the Weyerhaeuser and DuPont Companies, wherein "Work in the immediate area of the discovery shall not resume until OAHP and an authorized representative of the Tribe has conducted a field visit. If allowable under the Companies' cleanup obligations, the site will be left in place. If not, then the Companies will consult with the Tribe, OAHP and Ecology to determine how the site will be handled" (AIP 2001). This is a far cry from "If we can't get a hold of the Tribal representative within what we decide is a reasonable time, construction does not need to stop." Outside of the Hoffman Hill development, and working for Weyerhaeuser's Centex subsidiary rather than WRECO, HRA followed similar provisions except for the fact that, "Depending on landowner agreement, recovered Native American artifacts would be donated to the Nisqually Tribe" (Thompson and Shaw 2008:1). Additionally, construction being undertaken by companies other than Weyerhaeuser and its subsidiaries was being monitored by firms other than HRA, such as Cultural Resource Consultants [CRC] (Schumacher 2007). Within these contexts, monitoring was understood to be "*recommended* pursuant to a Memorandum of Agreement and

related documents prepared for this area," rather than mandated (Schumacher 2007:2). It is therefore impossible to determine how many sites were being destroyed during continued construction of buildings and facilities throughout Northwest Landing and the City of DuPont.

By mid-2007, the golf course/toxics containment facility was ready for tee time. On June 1, 2007, the announcement was made that:

> The Washington State Golf Association (WSGA) and Pacific Northwest Golf Association (PNGA), along with the Weyerhaeuser Company announced today that the golf associations have acquired the new golf course facility in Dupont [sic], Wash. […] The Home Course will eventually house the offices of the WSGA, PNGA, and USGA activities in the Northwest, as well as other allied golf associations. It will be a home for junior golf programs, environmental stewardship and turfgrass research. Each year, The Home Course will also serve as the venue for some WSGA and PNGA championships and United States Golf Association (USGA) national championship sectional qualifiers […] The property on which The Home Course is located has a long and rich history. Several Native-American tribes, known collectively as the Salish people, inhabited the area for thousands of years. More specifically, it was a center of commerce for the Nisqually Tribe [Home Course 2007].

The ancient and sentient ancestral sqʷaliʔabs/Nisqually village landscape of sčəgʷaliču/Sequalitchew, filled with the graves sqʷaliʔabs/Nisqually ancestors, places of power, and numerous longhouse sites over countless generations, had suddenly become a mere "center of commerce," purportedly "inhabited" by numerous "Salish people." Never fear, however. The Home Course is proud of the region's history "What's behind that split rail fence across from the Fort site? That is where the Fort burial ground is located. If you find your ball in there please show your respect by retrieving it and then taking a free drop outside this hallowed ground" (Home Course Men's Club 2012). Looking at the current satellite imagery layer on the DAHP WISAARD database, with gravesites highlighted shows that there are actually four recorded sqʷaliʔabsNisqually burial sites within the imprint of the golf course.

In 2008, the City of DuPont issued a Comprehensive Plan Update in which it now, akin to the approach taken by the Home Course, the City now promoted the view that, "Historically,

DuPont and the surrounding area have been used by several Indian tribes known collectively as Salish people […] Based on the 1854 Treaty of Medicine Creek, the area is part of the traditional territory of the Nisqually Tribe" (City of DuPont 2008a:6). With two sentences, the City attempts to render sqʷaliʔabs/Nisqually peoples as quasi-legitimate "inhabitants" who had been "given" this land by treaty, encapsulating corrupt ICC decisions and an inverted, and incorrect, understanding of the fact that treaties are grants of rights from Tribal Nations to the federal government. The plan speaks to a future post-industrial "Sequalitchew Village" mixed-use area bounded by the Sound on the west and north, and the Creek on the South, within which, "Gravel extraction is currently underway […] and is expected to proceed over a long term, phased plan. Development is not likely to begin in this area for more than twenty years" (City of DuPont 2008a:45). The City notes that:

> As a result of mineral extraction, the surface elevation of this village will be many feet lower than the present height. An embankment will be created along the eastern boundary of the Sequalitchew Creek Canyon and the Puget Sound bluff to make the transition between original grades and the new lower elevation. The embankment will 17 be sculpted to provide variations in land forms and to eliminate visual monotony. This 18 embankment is designated as open space. In addition, a limited portion of the bluff along Puget Sound, north of the mouth of Sequalitchew Creek, may be lowered by the mineral extraction for a community park. The park will provide direct access to Puget Sound. The remaining natural portion of the bluff is sensitive area, with views overlooking the Sound. Future planning should evaluate the effects of removing greater portions of the bluff to provide views from the residential area and losses, which might incur from the removal of sensitive area bluff [City of DuPont 2008a:45].

Rather than housing a barge-loading sand and gravel conveyor belt, the documented sqʷaliʔabs/Nisqually burial ground at the top of the bluff from which, despite the assertions of archaeologists, remains found on the beach had eroded or been disturbed, were now slated for destruction to provide a better view. And what of the Nisqually-Sequalitchew Historic District which included the gravesites at the top of the bluff known as 45-PI-76 according to the 2003 nomination form?

> As provided in a multi-party memorandum of agreement (December 2000), *Weyerhaeuser Real Estate Company will support the listing of the area once the City of DuPont has granted final development approvals for all developable portions of the property*. The district encompasses approximately 360 acres and represents a convergence of ancient and historic activities and values that are representative of the Pacific Northwest. The north boundary starts at the 1843 Fort Nisqually (DAHP Site No. 45-PI-56) and runs west to the site of a sawmill on the north side of the mouth of Sequalitchew Creek (DAHP Site No. 45-PI-71), then south along Puget Sound to include Sequalitchew Archaeological sites (DAHP No. 45-PI-54) and the Ox Road (no DAHP Site No.), then east to include the 1833 Fort Nisqually site (DAHP Site No. 45-PI-55H), DuPont Company site (DAHP Site No. 45-PI-70) and Hudson's Bay Company Cemetery (no DAHP No.) then north back to the 1843 Fort Nisqually site. [City of DuPont 2008a:48-49; emphasis added].

As they had agreed to do, WRECO continued to object to the listing of the historic district, and will continue to object until they get every permit they will ever need for any development within lands encompassed by the historic district. As documented in the actual nomination form, 45-PI-71, the Sawmill site, is not one of the contributing properties within the district, and the City completely omits 45-PI-76, the burials on top of the bluff that *are* part of the nominated district. Perhaps this is in anticipation of their longed-for viewshed. As for the ecological integrity of the sentient ancestral village landscape of sčəgʷwaliču/Sequalitchew, the City sought: "To attain no net loss to high value sensitive areas and open space within the City and mitigate losses of low and moderate value natural features through enhancements in areas to be saved" (City of DuPont 2008a:62). Doesn't this sound far better than actually allowing the natural ecosystem to heal?

In April of 2008, DuPont citizen Cara Mitchell wrote a piece in *The Home Town Clipper* in which she provided commentary on the March 3, 2008 DuPont Parks Agency Meeting. At the meeting, "Glacier Northwest representative Pete Stoltz said Glacier 'was giving the City of DuPont a 4,000 foot green space with a salmon stream in the backyard'" (Mitchell 2008:1).[134] Mitchell had discovered that, "Washington State transportation projects such as the 520 bridge

[134] This source is no longer available.

replacement, or Sound Transit light rail expansion, keep DuPont's high-quality aggregate in high demand" (Mitchell 2008:1). The SEIS revealed that:

> West Edmonds Marsh will see an aquifer drawdown between 6 to 18 inches, lowering the wetland water levels and speeding up the drying out time of the marsh by one to two months. The dry conditions residents see during August would instead appear in June […] When The Home Town Clipper asked Stoltz how Glacier intends to mitigate a drop in the groundwater level under Edmonds Marsh, Stoltz's could only to say that they too are concerned about Edmonds Marsh, and that Glacier's experts would have to answer that question […] In Sequalitchew canyon, where the proposed tributary and existing creek would meet, a drastic change to the landscape would occur. Glacier provided before and after photos showing the canyon being stripped of its canopy of big leaf maples, western red cedar and red alder trees, allowing large amounts of sunlight into an area that is typically protected from the sun. Glacier admits it will take quite a while for the canyon to recover from the tree loss [Mitchell 2008:1].

The fact that Edmond Marsh and Sequalitchew Creek provide nesting areas and other habitat for migrating waterfowl and other birds who frequent the Nisqually National Wildlife Refuge, the boundary of which extends to the mouth of the creek, as well as groundwater filtration and other ecosystem services apparently have no value within the cost-benefit analysis employed in the SEIS. Mitchell notes that, "The aggregate located under DuPont is the oldest and cleanest rock found in the United States" (Mitchell 2008:1). I remind you that this aggregate contains enough gold for Weyerhaeuser to be concerned about reserving its right to recover it.

On March 17, 2008, the State DOE announced plans to remove a portion of Parcel 2, once owned by Intel and now by the DuPont Corporate Park LLC [DCP], from the restrictive covenant that had been placed on the property limiting development to industrial uses. Apparently, "The DCP completed a cleanup of the site under Ecology's Voluntary Cleanup Program," the site now having "been cleaned up to state cleanup standards for *unrestricted* land use. Ecology proposes removing the Site from the restrictive covenant that covers this and the adjacent Intel properties. The restrictive covenant will remain on the Intel property deed" (DOE 2008). Comments on the property's removal from the restrictive covenant were to be taken from

March 17 through April 15, 2008. On April 3, 2008, the City issued an MDNS for the project planned for this property, called the DuPont Corporate Park, having determined that the phased 91.57 acre project consisting of at least three buildings, infrastructure, parking lots and landscaping were not going to have any adverse impacts great enough to require an EA or EIS (City of DuPont 2008c). Since the time of *Nisqually Tribe v. City of DuPont*, the City had finally provided mechanisms for appeal with the DuPont Hearing Examiner. The MDNS states in part that, "No archaeological investigation report was submitted for the subject site," but that the developer, DuPont Corporate Park, LLC, would be bound by the terms of the 1988 Cemetery MOA and the 1989 MOA with the SHPO (City of DuPont 2008c:5). The Tribe did not appeal the MDNS, despite the lack of archaeological survey.

In August of 2009, the Tribe "regained ownership of 12 acres of land within the City of DuPont, following a settlement with the Weyerhaeuser Co. and its development arm, Quadrant Homes," including a portion of the ancient midden at 45-PI-72 a portion of a burial ground, and two isolated gravesites (Carson 2008).[135] These were the parcels which had been discussed in the 2001 Settlement Agreement and which Weyerhaeuser had agreed to return to the Tribe after the cleanup of Parcel 1 in exchange for the Tribe's agreement to the logging of that tract and the 2003 Cleanup Action Plan, as discussed in the previous chapter. "'Returning these properties to the Nisqually Tribe allows us to preserve our cultural heritage and honor our ancestral home,' tribal chairwoman Cynthia Iyall said in a written statement. 'Our people have lived on this land for hundreds of years, and we are honored to once again be stewards of these important sites'" (Carson 2008). sq$^{w}$aliʔabs/Nisqually peoples have lived in their homelands since time immemorial, with archaeological evidence of their continuous interrelationships with the

[135] This article orginally appeared in the Tacoma News Tribune on August 19, 2008. The article is no longer available through the News Tribune online. I have found another source foir the article which is listed in the Bibliograohy under Carson 2008

ancestral landscapes for almost 6,000 years, many more than Iyall's "hundreds." In regard to the burial ground of almost five acres, DuPont City Administrator Bill McDonald asserted that, "'They are just going to be a property developer on that," McDonald said, 'probably office space, maybe some retail. It's not trust land, so what it's not going to be is a casino,' McDonald said" (Carson 2008).[136]

Now that both Parcels had been remediated, plans for the mine began in earnest. On January 16, 2009 that the City of DuPont issued a staff report pertaining to Glacier's Conditional Use Permit, Land Use, and Site Plan Approval applications and other required documents pertaining to the proposed mine expansion. The DuPont Planning Department recommended that the City approve the expansion but with a number of conditions. Dewatering and mining would be allowed, as would the construction of North Sequalitchew Creek. Mitigating the effect of aquifer drawdown on Edmond Marsh by replacing invasive vegetation with native species was adequate enough for the Planning Department, but they recommended that the destruction of the glacial kettle wetland in the middle of the mining area be mitigated with the "creation of replacement wetlands that may be located adjacent to the proposed new North Sequalitchew Creek channel" (City of DuPont 2009a:2). They also advocate for replacement wetlands to mitigate the "[d]isplacement of wetland functions at the Seep and Riparian Forest wetlands adjacent to Sequalitchew Creek due to interception of groundwater from the excavation for aggregate removal" (City of DuPont 2009a:2). The only major modification proposed by the Planning Department was that, "The conditions of approval would not allow the excavation of the north side of the existing Sequalitchew Creek ravine but would, instead, require installation of a bored pipeline approximately 500 feet long" (City of DuPont 2009a:2; emphasis in original).

[136] There is a widespread racist assumption among Settlers that any land which a Tribal Nation regains will come to house a casino. This is not the forum in which to address this issue, but I can not let McDonald's words stand without making note of the phenomenon.

In response to City's FSEIS and the issuance of the City's Staff Report, "the Nisqually Delta Association [NDA] invoked the [1994] Settlement Agreement's dispute resolution process, and the parties conducted formal mediation with a professional mediator on May 4 and June 4, 2009" (MOU 2009). The mediation first resulted in an MOU between Glacier, DOE, the City, the NDA, the Tahoma Audubon Society [TAS], and the Washington Environmental Council [WEC]. Effective as of November 30, 2009, this *Memorandum of Understanding Regarding Supplemental Review Process for Glacier NW Mining Expansion* "reflects the parties' understanding of the process that will be followed in an effort to avoid protracted litigation concerning the 1994 Settlement Agreement. The MOU also sets forth the parties' understanding of the process that will be followed to include the North Parcel in a future Supplemental Environmental Impact Statement" (MOU 2009:1). There were a number of parties to the 1994 Settlement Agreement who are not parties to this MOU, including a number of environmental groups and, most notably, the Weyerhaeuser Real Estate Company, who had sold part of the subject property to WPP, LLC. Interestingly, WPP does not appear as a party to the 2009 MOU. I provide an in-depth reading of these provisions, because the process is still unfolding, and the identification of potential avenues for intervention is only possible with a nuanced understanding of the parameters of environmental and cultural resources review and mandatory permitting processes. The MOU spells out a detailed sequence of additional review processes that will be followed over the next several years, including feasibility studies, mediations/settlement discussions, review under SEPA, and permit review processes at various levels (MOU 2009). Once again, the majority of provisions are non-binding. The MOU identifies a timeline for this series of studies and events; a timeline that did not come to fruition and I therefore omit the dated timeline information.

Glacier, with input from various stakeholders, was to first undertake "a Feasibility Study to identify and evaluate opportunities for improving or restoring ecosystem functions in the Sequalitchew Creek Watershed" (MOU 2009 Agreement (A)(1)). Dewatering was identified as a potential alternative that will be evaluated in the study. The steps outlined in regard to undertaking the Feasibility Study include:

> (a) *Preliminary Identification of Potential Alternatives* The Parties to this MOU, and representatives of Fort Lewis, the Nisqually Tribe, Washington Department of Fish and Wildlife (WFW), Washington State Department of Archaeology and Historic Preservation, Puget Sound Partnership, and the Army Corps of Engineers, will meet to develop a list of possible actions that would mitigate the potential impacts of the proposed project by improving, enhancing, or protecting ecosystem functions in the Sequalitchew Creek Watershed […]
> (b) *Preliminary Draft Feasibility Study* Glacier and its consultants will prepare a preliminary evaluation of Preliminary Study Alternatives in accordance with the agreed scope of work. This evaluation will include a summary of what factors currently limit salmonid populations in Sequalitchew Creek. This evaluation will also provide a cost/benefit analysis [of] each Preliminary Study Alternative […]
> (c) *Meeting to discuss Preliminary Draft* After a comment period on the Preliminary Draft, parties to the MOU, Fort Lewis, the Nisqually Tribe, and WDFW will meet to discuss the Preliminary Draft and to select those Preliminary Draft and to select those Preliminary Draft Alternatives that will be discussed in an additional, more detailed study ("Select Alternatives"). Based on the data gaps analysis in the Preliminary Draft, the parties will develop an agreed scope of work for the further evaluation of the Select Alternatives (*including the mine dewatering alternative*) [emphasis added].
> (d) *Second Draft Feasibility Study* […] [which] will provide additional information about the Select Alternatives, including additional data and analysis as necessary […]
> (f) *Meeting to Discuss Second Draft Feasibility Study* […] the parties to the MOU, Fort Lewis, the Nisqually Tribe, WDFW, and the Corps of Engineers, will meet to discuss the Second Draft. The parties will seek to reach consensus about what recommended alternatives will be presented in the Final Feasibility Study and about the scope of work for such Study.[137]
> (g) *Final Feasibility Study* […] will provide a final, detailed discussion of the potential project impacts and the recommended alternatives. This Study will be made available to the public and will form a basis for continued settlement discussion as discussed in Section D below. The Study may also inform future SEPA analysis and/or a possible Sequalitchew Creek Restoration Plan [MOU 2009].

[137] This provision is incorrectly labeled Agreement (C)(2)(f). There is no Agreement (C)(2)(e) in the MOU.

Public participation and review processes for this first stage of the Feasibility Study are said to be outlined, yet they pertain only to the parties to this MOU and confirm the order of the three meetings outlined in the provisions above.

An additional provision within the MOU pertains to Settlement Discussions/Mediations. "[U]pon completion of the Final Feasibility Study, Glacier will prepare a new project description and parties will seek to resolve issues relating to the 1994 Settlement Agreement" (MOU 2009 (D)(1)). While the MOU lists anticipated topics of discussion, I omit these in light of the new Settlement Agreement which came out of these 2009 mediations, discussed in detail below. In regard to a Restoration Plan, the 2009 MOU states that, "Although the Feasibility Study may help inform a restoration plan, the completion and implementation of a Sequalitchew Creek Feasibility Study will not be a precondition of SEPA review or permit processes. However, implementation of portions of a Restoration Plan could be part of a mitigation plan for project impacts and/or part of a revised project description" (MOU 2009 (D)(2)). It is noted that Glacier's responsibilities and rights in any new settlement agreement are conditioned upon receiving permit approval, and that the City is not bound by terms of the MOU to take specific actions with regard to any permit. Additional SEPA compliance steps are outlined in the MOU, including the identification of the City of DuPont as the lead agency, provisions pertaining to scoping notices and the public comment period pertaining to any revised project description submitted by Glacier with the caveat that, "If no revised project description is submitted, the City has no obligation to undertake additional SEPA environmental review," meaning that the 2007 FSEIS would be the guiding document" (MOU 2009 (E)(2)). Next provided for is the issuance by the City of a Draft SSEIS on any revised project description, subject to a 30-day comment

period and leading to the issuance of a Final SSEIS, and a timeline for permit review which also did not come to fruition as outlined.

On December 3, 2009, three days after the MOU was reached, the first in the series of meetings outlined in the MOU was held. While I will not provide a detailed accounting of the negotiations leading to further steps in the process, I want to make note of the fact that Nisqually Tribe fisheries employee, David Troutt, attended and participated in this discussion. This is the man who, as noted in Chapter 7, had made statements that "Sequalitchew Canyon is too steep to be hospitable to a natural salmon run" (Andrews and Swint 1994:13). Minutes from the December 3, 2009 meeting indicate that perhaps David Troutt is not the most appropriate person to be involved in these discussions:

> David Trout [sic] asks a process question. Why are they here, and what do we do with disagreements? John notes that one process is related to the Settlement Agreement, and that has to be worked out between those parties. But secondarily we need to do a new permitting process and they (other parties here today) would be involved in the permitting […] David Trout asks after any plans to change from using Sequalitchew Creek […] David Trout asked if we understood that currently there are no salmon [in Sequalitchew Creek]? [City of DuPont 2009b:3].

It seems that Troutt was largely if not completely in the dark about the entire project and the settlement process and had no idea why the Tribe was even invited to these discussions.

A mere fifteen days after this first meeting, engineering firms Anchor QEA, LLC [Anchor] and Aspect Consulting [Aspect] published the *Pioneer Aggregates Gravel Mine Expansion—Sequalitchew Creek Ecosystem and Watershed Restoration Preliminary Draft Feasibility Study* (2010):

> With participation and input from the Parties to th[e] MOU and other stakeholders, a list of 20 alternative approaches and technologies were developed for consideration in this preliminary draft Feasibility Study. The purpose of this preliminary draft of the Feasibility Study is to more fully define each alternative approach and technology, identify fatal flaws, and determine which approaches and technologies are best suited to

> be addressed (either alone or in some combination) as alternatives in the draft Feasibility Study [Anchor and Aspect 2010:1].

The 2009 MOU stipulates that a Draft Feasibility Study should have been prepared next, but I have as yet been unable to locate such a document. The 2010 Final Feasibility Study, discussed below, states that the parties to the MOU, along with:

> the U.S. Army Corps of Engineers (Corps), Washington Department of Fish and Wildlife (WDFW), State Office of Archeological and Historic Preservation, and Joint Base Lewis-McChord (the Base), provided input to the Feasibility Study through review of Preliminary Draft and Draft Feasibility Studies, as well as comments offered in three open meetings held in DuPont City Council Chambers [Anchor and Aspect 2010:1].

It seems that either Anchor and Aspect have neglected to mention the Tribe's participation in these discussions, or that neither David Troutt nor any other Nisqually Tribal representative participated in this process in order to defend the treaty-protected rights of the Tribe. Nor had anyone apparently stepped forward to protect the gravesites of sqʷaliʔabs/Nisqually ancestors, and the places and landscapes which have physically and spiritually sustained the sqʷaliʔabs/Nisqually peoples since time immemorial.

A number of engineering firms submitted technical memoranda providing commentary and analysis of the Preliminary Draft. One such memo, submitted by Derek Booth of Stillwater Sciences to Pete Stolz of CalPortland, contains information crucial to understanding both the efficacy of proposed mitigation and restoration strategies, and the unspoken reality of the limited action that it would take to restore the watershed if further mining were to be prohibited:

> From a common-sense perspective, the greatest single impact to the watershed is the historic diversion of much of its flow—indeed, the near-beheading of the upper watershed—by the [Fort Lewis] Diversion Canal. The most egregious impacts to the creek can be traced back to a simple loss of water. The canal is not necessarily the only cause of water loss (groundwater withdrawals have surely contributed) but is likely the most reversible. Any credible improvement of the Sequalitchew Creek ecosystem will need to address this condition directly […] Restoration of these flows *must be the primary focus of any subsequent analysis if the stated goals of the MOU are to be*

> *realized*. [Booth letter to Stolz February 10, 2010:1-2, electronic document no longer available, document in possession of author; emphasis added].

The fact that thus far no one had insisted on the outright rejection of the mine expansion and the subsequent restoration of flows in Sequalitchew Creek through the removal of the Fort Lewis Diversion Dam speaks clearly to the power of capital, with attendant promises of "recovery" in these near-apocalyptic economic times, to blind people to the long-term consequences of their destructive actions, glossed as the "externalities" of capitalist "development". In fact, DuPont City Attorney Victor, at a City Council Workshop held on February 16, 2010, insisted that "the City *must by law* accept Cal/Portland's application; however, since the Nisqually Delta Association has invoked mediation in accordance with the 1994 Glacier Settlement Agreement (SA), Cal/Portland has requested to stop the permitting process" (DuPont City Council 2010:1, electronic document no longer available, document in possession of author; emphasis added).

The day after this City Council meeting, on February 17, 2010, the twenty alternatives for the restoration of the Sequalitchew Creek watershed and ecosystem were discussed at a meeting between the parties to the MOU and various stakeholders, the Tribe as noted above not being represented:

> Based on the outcome of that discussion several alternatives were determined to be infeasible and were dropped from further consideration. Some new alternatives were also added or created from new variations of the original alternatives. These alternatives were further evaluated in the March 25, 2010 Draft Feasibility Study. The Draft Feasibility Study was commented on by stakeholders and discussed at a meeting on April 22, 2010. At the April 2010 meeting, several alternatives were selected for inclusion in the Final Feasibility Study [Anchor and Aspect 2010:8-9].

The Final Feasibility Study narrowed down the twenty alternatives presented in the two previous drafts, presenting analysis of the Select Alternatives identified as being the most feasible by parties to the MOU and other stakeholders, as well as preferred mining approached for both the North and South Expansion Areas. In regard to the 201-acre North Expansion Area, the mining

plan recommended mining approximately 133 acres of the tract while staying above the aquifer, maintaining a thin buffer of native soils at the bottom of the mine. In regard to the South Expansion Area, the plan recommended dewatering of the Vashon Aquifer and suggested a number of alternatives for how and where to discharge the water being pumped, such as pumping it into Edmond Marsh or Sequalitchew Creek. The Final Feasibility Study also presents and analyzes five alternatives for improving the flows of Sequalitchew Creek and restoring salmon habitat. The five alternatives for restoration are: 1) to improve conditions in Edmond Marsh, allowing water to flow to the creek; 2) raising the elevation of Sequalitchew Lake; 3) creating a new stream channel along Wharf Road; 4) lining Sequalitchew Creek between Edmond Marsh and the Sequalitchew Creek Ravine with a low-permeability material; and 5) connecting Bell and Hamer Marshes to Edmond Marsh (Anchor and Aspect 2010). All of these plans involve massive reconfiguration of the landscape at great expense and with no guarantees that their fabricated "natural" systems would work to restore the health of the watershed.

Despite the obvious, inexpensive, and relatively uncomplicated matter of removing the Fort Lewis Diversion Dam to restore natural flows, which Booth (letter to Stolz 2010) had pointed out was *a necessary precondition* for any effort towards restoring the watershed, none of the alternatives presented in the Final Feasibility Study speak to this action. For example, if the diversion dam and outfall channel drain sčəg$^{w}$aliču/Sequalitchew Lake and the surrounding basin, surely the effects of the alternative of raising the level of that same lake while engineering protections for the Army's Sequalitchew Springs water supply would be a much more complicated and expensive option than removing the diversion structure. Restoring the natural flow of the creek would have raised its flow rates to the point where it would have to be reclassified as a shoreline under the SMA, thus becoming once again subject to far more strict

limits on development, potentially bringing a halt to the mine altogether. "Following completion of the feasibility Study, settlement negotiations resumed in June 2010 and continued through June 2011, again with the assistance of a professional mediator" (Settlement Agreement 2012 (1)(1.7)).

As settlement talks resumed, construction continued throughout the rest of the sčəgʷaliču/Sequalitchew. On November 23, 2010, archaeologists employed by GeoEngineers published the *Cultural Resources Assessment: Creekside DuPont Partners, LLC/Creekside Village Development Project, Pierce County, Washington* (Sikes and Arrington 2010). Creekside Village has been planned as a 180-unit apartment complex within the portion of Parcel 1 located north of the creek and consisting of 14 or 15 buildings and attendant infrastructure and parking. The assessment included both an inventory and fieldwork:

> The inventory involved correspondence with cultural representatives or Tribal Historic Preservation Officers (THPOs) for the Nisqually, Puyallup and Squaxin Tribes (see Appendix A). To date, one response has been received to the letter sent by GeoEngineers to the tribes describing the proposed project and requesting comments. Mr. Thor Hoyte [sic] of the Nisqually Tribe requested that subsurface testing be monitored by one of their members. A schedule for the fieldwork was provided to Mr. Hoyte and a monitor, Kareem Gannie. Mr. Gannie was continually updated on the field schedule and findings (no prehistoric or ethnohistoric resources), though he did not monitor. After the fieldwork was completed, Mr. Hoyte [sic] was informed of the newly identified historic-era resources [Sikes and Arrington 2010:5].

The Nisqually Tribal cultural resources staff had seemingly become less interested in on-the-ground-protection of sqʷaliʔabs/Nisqually ancestral human remains and culturally and spiritually important places, with neither Joe Kalama or his assistant Kareem Gannie taking an active role in monitoring, and communication now going through the Tribe's attorney. However, three months later and on lands contiguous to this project, the Tribe decided to send Gannie to actively monitor archaeological survey work being undertaken in relation to the planned construction of an industrial complex within the boundaries of Parcel 1 (Sikes and Arrington 2011). It is unclear

to me why the Tribe's cultural resources staff would choose to monitor disturbance in this parcel and forgo monitoring disturbance within the parcel adjacent to it.

The industrial complex is being planned by DuPont Industrial Partners, LLC [DIP], and I have been thus far unable to determine what this entity is.[138] A person named Lia Estigoy is listed, along with DIP's name and address, on a letter from DAHP Assistant State Archaeologist Stephenie Kramer in regard to an excavation permit pertaining to this property. Estigoy, along with GeoEngineers archaeologists Sikes and Arrington, applied to the DAHP for an Archaeological Excavation Permit (No. 2010-54). DuPont City Administrator Dawn Masko notes that, "The City had requested several conditions be placed on the permit, including public education, signage and on-site security. Most of these conditions were not granted by the State with the exception of restoration of impacted trails and safety protocols for arsenic exposure" (Masko 2011:3). The permit was issued on February 7, 2011 by DAHP and the report pertaining to these excavations, *Archaeological Survey, Testing, and Monitoring at 45PI66, 45PI455, and 45PI773, DuPont Industrial Partners, LLC, Lot Y Project, DuPont, Washington*, was published on April 14, 2010. Kareem Gannie monitored both the survey and the subsurface testing undertaken (Sikes and Arrington 2011). There is a somewhat ominous reference to the

[138] Outside of two City of DuPont-hosted webpages which mention DIP in relation to the archaeological survey, the only other references I could find to them on the internet are: a listing in LookupBook (http://www.lookupbook.com/profile/construction-industrial/wa/tacoma/dupont-industrial-partners-llc); and a listing on the Washington Secretary of State's Corporations and Charities Division Webpage stating that DIP was incorporated on September 22, 2010, and that one of the "Governing Persons" is an Eric Cederstrand. Cedarstrand is also an agent with Neil Walter Company commercial real estate and according to Neil Walter's profile of Cedarstrand, "One of Mr. Cederstrand's most notable transactions is the unique experience of taking DuPont's 1000-acre Northwest Landing Master Planned community from entitlement through land sales, development and leasing" (Neil Walter Company "Our People" Eric Cederstrand Webpage). Cedarstrand is also linked with the woman to whom the archaeological permit was issued to DIP, Lia Estigoy, Cedarstrand and Estigoy being respectively listed as the President and Vice-President of Commencement Bay Development (http://www.combaydev.com/contact_us). Estigoy's role within DIP is as yet unclear to me.

Nisqually-Sequalitchew Historic District in this report which, as indicated, has still not been approved:

> Proposed by the Point Nisqually Defense Fund (2003), this historic district would cover approximately 360 acres along both sides of Sequalitchew Creek. Thirteen archaeological sites are identified in the NRHP nomination form as contributing elements. These include 45PI66 and 45PI455 within Lot Y, as well as 45PI401 near Lot Y, in the northern extent of the proposed district. The district has not yet been approved. The nomination assumes undisturbed deposits remain at the sites in sufficient quantity and diversity to address research questions related to the history of the district. It is unclear if intact remains exist at the sites [Sikes and Arrington 2011:17-18].

This reference indicates to me that in addition to Weyerhaeuser, WRECO, and the developers building on Weyerhaeuser-owned property within the district maintaining objections to the listing until they had received all of the permits that they demanded, arguments are now being articulated that it was unknown if these sites were actually eligible. I will be keeping a close watch on subsequent monitoring and survey reports to see if this argument becomes a trend.

As the various ongoing commercial, industrial, and residential construction projects continue to desecrate the sčəgʷaliču/Sequalitchew village ancestral landscape, the mediations regarding the flouting of the 1994 Settlement Agreement by both Glacier and the City's resulted in a new Settlement Agreement which was signed by a number of parties in June of 2011, titled *Settlement Agreement for DuPont Mine, Restoration of Sequalitchew Creek Watershed, and Preservation of Puget Sound Shorelands and Adjacent Open Space* (Settlement Agreement 2012). The entities listed within the heading of the document are: Washington State Department of Ecology [DOE]; the City of DuPont; CalPortland Company (formerly known as Glacier Northwest); WPP, LLC; the Nisqually Delta Association [NDA]; the Black Hills Audubon Society; the Washington Environmental Council; People for Puget Sound; the Tahoma Audubon Society; the Seattle Audubon Society; and Anderson Island Quality of Life Committee. On June 24, 2011, it was announced that the DOE, the City and the Environmental Caucus (consisting of

all involved environmental groups) signed the proposed agreement. The City then had to undergo a public process through which it would determine whether it would also sign the Settlement Agreement. A timeline was set for various public meetings and a public comment period during which the Settlement Agreement was to be explained to DuPont's citizens and the City Council over the next several months, with citizens being provided avenues for input. According to Don Russell of the Sequalitchew Creek Watershed Council, the public input process was a farce:

> Whereas the proponents of the City Council approving the Settlement agreement have been allowed in excess of four hours (with an additional three hours on September 8th to present their case for approval), those opposed have been limited to three minutes at Council meetings and fifteen minutes at a special City Council meeting to present their case for the Council not approving the Settlement Agreement [Russell 2011:5].

Russell was one of the few who had a chance to voice objections to the Settlement Agreement, and I will return to his objections below.

Provisions within the 2012 Settlement Agreement include the following statements about the goals of the new settlement, which is said to be consistent with the 1994 Settlement Agreement:

> To ensure that potential future mining actions as described in this Agreement are consistent with the purposes of the 1994 Settlement Agreement, to promote the restoration and enhancement of Sequalitchew Creek and its watershed, and to maintain the Puget Sound bluffs and open space, the *Parties* now enter into the following Agreement [Settlement Agreement 2012 Recital 1.8:2; emphasis added].

I think that it is likely critical to understand that, as defined on page 5 of the 2012 Settlement Agreement:

> Parties means: 1) CalPortland, 2) the City of DuPont, 3) the Washington State Department of Ecology, and 4) the Environmental Caucus (which is comprised of Nisqually Delta Association, Washington Environmental Council, People for Puget Sound, Tahoma Audubon Society, and Anderson Island Quality of Life Committee). The National Audubon Society, a party to the 1994 Settlement Agreement, is not a party to this Agreement, as it no longer maintains an office or local chapter in Washington State [Settlement Agreement 2012 Definitions:5].

One party to the 1994 Settlement Agreement who did not sign this document is WRECO, who had sold the property to WPP, LLC in 2006. Listed within the heading of the 2012 Settlement Agreement is WPP, LLC, the West Virginia-based coal mining concern who is the current owner of the South Expansion Area, within which the Vashon Aquifer is slated for dewatering. While WPP, LLC is listed in the *heading* of the 2012 Settlement Agreement, and in fact *signed* the agreement, *they are not listed as Parties to this agreement*. I am not altogether certain, without the property owner being a Party to this agreement, whether the 2012 agreement is actually enforceable in regard to the South Parcel and watershed restoration. Judging from the devastation left behind in the wake of WPP and NRP coal mining/mountaintop removal projects throughout Appalachia,[139] it is urgent that this enforceability issue be clarified before the project is allowed to proceed any further through the review process.

The recitals of the Agreement continue:

> The goals of this Agreement are to help restore and enhance the Sequalitchew Creek watershed, including flows along the entire length of the Creek, as long desired by the City and conservation groups; to maintain the Puget Sound shorelands and adjacent open space; and to support CalPortland's mining in the North and South Parcels subject to the various restrictions ion this Agreement and compliance with existing laws and regulations. To achieve these goals, the Parties have agreed to a detailed series of mining and restoration actions that will occur in a prescribed sequence over the next several years. As further set forth in this Agreement, it is anticipated that North Parcel miming will start first. It is further anticipated that South Parcel miming and Sequalitchew Creek restoration would occur concurrently, with the restoration funded by CalPortland up to an agreed-upon amount as certain milestones are met [Settlement Agreement 2012 Recital 1.9:2].

A three-phase process for mining and restoration is articulated within the Agreement consisting of: Phase I, the preparation of a Restoration Plan and the permitting process for the North Parcel (which also includes securing the agreement of the Environmental Caucus and CalPortland to a water draw-down Monitoring Plan for the South Parcel; Phase II, the permitting process for the

[139] Mountaintop removal is discussed in NRP's 2002 Annual Report.

Restoration Plan, North Parcel mining and permitting of the South Parcel portion of the expansion; and Phase III, the implementation and maintenance of the Restoration Plan and the mining of the South Parcel.

The 2012 Settlement Agreement stipulates that CalPortland will provide funds for the South Puget Sound Salmon Enhancement Group or a similar entity of which the Parties approve to develop a "Restoration Plan for Sequalitchew Creek […] The Parties will solicit input from local, state, federal, non-profit, and business stakeholders, and will make particular efforts to involve the Nisqually Tribe and Joint Base Lewis-McChord (JBLM). Restoration activities occurring on JBLM property will require both JBLM's initial approval […] and then final approval" (Settlement Agreement Recital 1.9.1 A 1:3). I would think that JBLM's involvement would trigger both NEPA and NHPA review *of the entire project*, and not just portions of the project on federal property, but NEPA and NHPA are surprisingly not specifically mentioned anywhere in the Settlement Agreement. In addition, a subsequent Recital within the 2012 Settlement Agreement stipulates that "The Parties, in consultation with JBLM, will develop the Restoration Plan" (Settlement Agreement 2012 Recital 6.1). The Nisqually Tribe is mentioned as a *stakeholder* who will be *invited to provide input* (Recital 6.2). In regard to the North Parcel, the Agreement stipulates that the Parties will support a single SEPA process in regard to mining of both the North *and* South Parcels and, as the Restoration Plan for the South Parcel will be part of the proposed mitigation for South Parcel mining, the Restoration Plan will only be discussed in the mining SEPA documents to the extent required by law. An additional SEPA document is to be prepared for the Restoration Plan for the South Parcel. Provisions are also set out which bind the Non-Governmental Parties to supporting all permit applications for the North Parcel, and which provide for a review of the North Parcel Reclamation Plan by all Parties, with a specified

period in which Parties may discuss concerns or objections to this plan. The Reclamation Plan is required under RCW 78.44.091 and is separate from the Restoration Plan required by the Settlement Agreement. CalPortland agreed to seek no new or revised permits for any mining or mining-related or other development activity within the shoreline jurisdiction of the City (except as provided for within the Agreement), nor within the City's designated Open Space Area portion of the North Parcel. (Settlement Agreement 2012 Recital 3:6-8).

In regard to the Restoration Plan and South Parcel Mining, the Restoration Plan was mandated to include, unless the Parties agree otherwise: rerouting water from Hamer and Bell Marshes to Edmond Marsh instead of into the diversion canal; removal of fill and flow impediments in Edmond Marsh; rehabilitation of Sequalitchew Creek below Edmond Marsh; active management of beavers and beaver dams; and:

> improvements to create significant flows from Sequalitchew Lake into the Edmond Marsh complex to support a functional creek ecosystem, and provide for the passage of migratory fish in the Sequalitchew Creek system. To achieve this goal, the Parties will consider, at a minimum, modification of the diversion canal flood control structure and gradients [Settlement Agreement 2012 Recital 4.1.2:8-9].

It is notable that the Parties are only bound to *consider* the *modification* of the flood control structure of the diversion canal, and that removal of the diversion dam and subsequent restoration of pre-diversion flows, which as noted by Derek Booth and discussed above, "*must be the primary focus of any subsequent analysis if the stated goals of the MOU are to be realized*" [emphasis added] (Booth 2010:1-2). The 2012 Settlement Agreement stipulates the steps to be followed in the preparation of the Restoration Plan and the South Parcel Monitoring Plan pertaining to water drawdown. "Upon execution of this Agreement, Joint Base Lewis-McChord (JBLM) and the Nisqually Tribe will be invited into a process that actively seeks their involvement in the preparation of the Restoration Plan" which was to be undertaken with the

lead of the Non-Governmental Parties (Settlement Agreement 2012 Recital 4.2.1). Because the *Boldt* decision has confirmed the treaty-protected right to co-management of the salmon fisheries by the Tribes, the Tribes must be invited to participate in the drafting of this plan. Mandating that citizen-formed environmental groups invite the participation of the Tribe is not exactly the sort of government-to-government interface that *should* be taking place within this context. The Non-Governmental Parties are to try to obtain JBLM Acknowledgement[140] of the Restoration Plan within one year of the Effective Date of the Settlement Agreement. After receiving this acknowledgement, the Non-Governmental Parties will approve a Monitoring Plan for the South Parcel within 45 days. The Non-Governmental parties are bound to seek all permits for the Restoration Plan except for those issued by JBLM, but are also bound to make reasonable efforts to obtain JBLM Consent[141] for the Restoration Plan. I am not certain how these two provisions articulate with one another as they appear to be contradictory, unless "reasonable efforts" pertain only to lobbying and support.

Implementation of the Restoration Plan is to happen in conjunction with commencement of South Parcel Mining, and the two processes are linked as follows: CalPortland can apply at any time after the Effective Date of the Settlement Agreement for permits to mine the South Parcel, but must submit the Monitoring Plan during the permitting process. In regard to the Reclamation Plan for the South Parcel, the Parties are permitted to meet and confer on the Plan before it is submitted to DNR by CalPortland in order to discuss any concerns or objections, but no provision is made for the resolution of those objections before submission of the Plan to

[140] JBLM Acknowledgement means written acknowledgment from JBLM that they have reviewed the Restoration Plan, and that the elements of the plan adequate incorporate JBLM input and appear to be reasonable (Settlement Agreement 2012).

[141] JBLM Consent means "the required authorizations and approvals from JBLM needed to implement the Restoration Plan elements occurring on JBLM property" (Settlement Agreement 2012 Definitions:5).

DNR. Any permits received by CalPortland for the South Parcel are conditioned upon the receipt of Restoration Plan permits and JBLM Consent:

> If an appeal of a federal permit for the Restoration Plan is made, and that appeal results in cessation of Implementation of the Restoration Plan, the Parties shall meet and confer to discuss potential amendments to this Agreement in light of the appeal. If the Parties cannot reach an amended Agreement within three months (or such additional time mutually established by the Non-Governmental Parties), and CalPortland is entitled to proceed with South Parcel mining under applicable permits and the terms of this Agreement, CalPortland shall pay into an escrow fund an amount to address the ramifications of the appeal and resulting cessation of Restoration Plan Implementation [Settlement Agreement 2012:10].

CalPortland can begin well installation and testing in the South Parcel upon the receipt of JBLM Acknowledgement and seek the necessary well installation and pump testing permits. Upon obtaining JBLM Consent and all necessary permits and approvals, CalPortland may begin dewatering and mining of the South Parcel. Water from the dewatering wells will be directed to West Edmond Marsh "until the earlier of: (1) six years after the date of JBLM Consent, or (2) completion of Implementation of the Restoration Plan" (Settlement Agreement 2012 Recital 4.3.4).

Mitigations of impacts to Sequalitchew Creek are specified in the Agreement, and I would assume that these mitigation measures are included in case the Restoration Plan does not receive approval. The Agreement stipulates that CalPortland's mining plan must provide that there will be no mining within 100 feet of the top of the bank of Sequalitchew Creek and that final mitigation measures will be determined through the permitting process but that they "will be consistent with the Restoration Plan and other requirements of this Agreement" (Recital 4.5.2). In addition, "The Non-Governmental Parties agree that CalPortland's commitments under this Agreement with respect to the Restoration Plan shall be deemed adequate mitigation of all direct and indirect impacts of mining on Sequalitchew Creek" (Settlement Agreement 2012

Recital 4.5.3). I take this last provision to mean that if there are direct or indirect impacts to the creek that are not adequately mitigated by the Restoration Plan, there is nothing that any of the Parties can do to hold CalPortland responsible for the resultant ecosystem devastation. The Agreement stipulates that mitigation for the destruction of the kettle wetland within the South Parcel will be determined through the permitting process and that CalPortland will make additional funds available for this mitigation. Various provisions of the Settlement Agreement pertain to CalPortland's agreement to pay for costs associated with permitting and Restoration Plan development and implementation (Settlement Agreement 2012).

If, however, anyone appeals any permit or approval needed to commence mining of the South Parcel and CalPortland has not yet commenced mining, CalPortland will no longer be obligated to release further monies from the Restoration Plan Permitting Fund or release any monies from the Restoration Plan Implementation Fund, "unless and until either (1) the appeal is finally resolved in a manner that precludes any appeal to a higher court and allows CalPortland to mine the South Parcel as contemplated in this Agreement, or (2) CalPortland begins removing sand and gravel from the South Parcel" (Settlement Agreement 2012 Recital 8.1.5.2.1). Therefore, CalPortland is permitted to mine the South Parcel without the Restoration Plan actually being in place, as long as they release funds. Amendments to the Agreement can be made in light of any such appeals through a "meet and confer" process discussed below. A number of Milestones are stipulated which, if not met, will also trigger the "meet and confer" process, including the failure to receive a permit to mine the North Parcel within one year as specified within an appendix to the Agreement; the lack of agreement within one year of the Effective Date to the Restoration Plan; the failure to receive JBLM Acknowledgement within one year of the Effective Date; the lack of Non-Governmental Party agreement to a Monitoring

Plan within 45 days of the receipt of JBLM Acknowledgement; the failure to receive all necessary permits and approvals within two years of receipt of JBLM Acknowledgement or the receipt of substantially modified Restoration Plan permits; the failure to obtain JBLM Consent within two years of JBLM Acknowledgement; or the failure to receive a permit which allows mining up to the line and depth stated for the South Parcel within two years of JBLM Acknowledgement. If any of these Milestones are not met, CalPortland can declare an impasse, and the "Parties will meet and confer and schedule at least two sessions with a professional mediator in an effort to resolve their disagreement. If mediation does not result in an agreement, CalPortland may terminate this Agreement by delivering written notice as provided for […]" (Settlement Agreement 2012 Recital 5.2). If the Agreement is terminated because of a failure to meet a Milestone, Section 8.1.5.2.3, discussed below, will apply.

If, in regard to a permit appeal as noted above, the Parties meet to discuss an Amendment to the Agreement and:

> If after three months, the Parties cannot reach agreement on the terms of an amended Agreement and CalPortland has not commenced mining as defined above, CalPortland may terminate this Agreement subject to Paragraph 8.1.5.2.3 below, in which case unspent money in the Restoration Plan Permitting or Implementation Funds shall be immediately returned to CalPortland [Settlement Agreement 2012 Recital 8.1.5.2.2].

In the case of the failure to agree to an amendment to the Agreement in light of a permit appeal, or in the case of a failure to reach one of the Milestones outlined above:

> [I]f CalPortland wishes to commence mining (as defined in Section 8.1.5.1 above [removing and conveying sand and gravel]) of the South Parcel, then it shall notify the Environmental Caucus before taking post-termination action to proceed towards mining, at which time: (1) the Non-governmental Parties will abide by the terms of Section 4.8 above; (2) the Parties shall abide by the terms of this Agreement […] (3) CalPotland shall immediately release the equivalent of the Restoration Plan Permitting and implementation Funds refunded under 8.1.5.2.2 and (4) CalPortland shall make payments from the Restoration Plan Permitting, Implementation and Maintenance Funds as provided in this Section 8.1, within 30 days of such notice [Settlement Agreement 2012 Recital 8.1.5.2.3].

The Parties had agreed to allow CalPortland to mine even if Cal Portland terminated the Agreement, and had bound themselves to refrain from appealing any permits as per Section 4.8, which states that:

> The Non-Governmental Parties will support all applications for permits and revisions to existing permits (including the DNR Surface Mining Reclamation Permit, the NPDES Sand and Gravel Permit, and City permits issues under Ord. No. 95-521) that are necessary to mine the South Parcel, provided that such applications are consistent with this Agreement […] This commitment not to appeal any approvals shall include and shall apply to any local, state, or federal environmental document or threshold determination relating to the South Parcel [Settlement Agreement 2012 Recital 4.8].

How this convoluted Agreement will play out is yet to be seen. While purportedly intended as a supplement to the 1994 Settlement Agreement, it is noted that "to the extent this Agreement is inconsistent with the 1994 Settlement, this Agreement controls" (Settlement Agreement 2012 Recital 9).

As the City was in the midst of making its decision regarding whether or not to sign the 2012 Settlement Agreement, the State DNR made an unexpected move in declaring state-owned aquatic lands within the Nisqually Delta to be a part of a newly-established Nisqually Reach Aquatic Reserve, the Commissioner of Public Lands declaring on September 9, 2011, that "the site will be managed for environmental protection, research and education as directed by the Nisqually Reach Aquatic Reserve Management Plan" (DNR 2011:1). The management plan for the reserve "identifies the habitats and species in the reserve and the management actions that will be employed by the Department of Natural Resources (DNR) to conserve these resources with the management emphasis on environmental protection above all other management actions" (DNR 2011:1). How the State DNR will be able to achieve its objectives in the face of one of the most devastating industrial projects on the shores of Puget Sound, and its potential tripling in size, also remains to be seen.

On January 24, 2012, the City of DuPont signed the Settlement Agreement, initiating the processes outlined therein. On April 9, 2012, the City of DuPont issued a Determination of Significance in regard to the mining plan for the North Parcel, initiating the commentary period pertaining to the scoping of the necessary EIS for the project, which closed on May 9, 2012 (City of DuPont 2012). Currently, consultation meetings pertaining to the development of a Restoration Plan in regard to the proposed mining of the South Parcel have commenced, with the Tribe being invited to participate in discussions. In a July 12, 2012 article in The Olympian (online), Staff Writer John Dodge notes that "Initial planning for the stream-restoration project will begin at a meeting of all the interested parties July 18 at DuPont City Hall […] Among the groups expected to join the settlement agreement participants in development of the plan are the Nisqually Tribe, Joint Base Lewis McChord, citizen and community groups and government agencies" (Dodge 2012). Dodge also notes that the Sequalitchew Creek Watershed Council "has secured an opinion from Ecology that CalPortland would require a water-right permit, if it used groundwater pumped from the south mining unit to improve water flows in Edmond Marsh and Sequalitchew Creek," because this is considered to be a beneficial use of groundwater and, as such, would be subject to a water-right permit (Dodge 2012). CalPortland permitting manager Pete Stoltz spoke with Dodge about the planned pumping of groundwater into Edmond Marsh: "It was just an option," Stoltz said. "We don't have to put the water to a beneficial use" (Dodge 2012). If this is any indication of CalPortland's commitment to the terms of the Settlement Agreement, there may be little hope of restoration of the sčəgʷaliču/Sequalitchew Creek watershed.

The exercise of Indigenous self-determination in active contention with the structural violence of the Settler colonial state is not a given. "Contemporary forms of postmodern

imperialism attempt to confine the expression of Indigenous peoples' right of self-determination to a set of domestic authorities operating within the constitutional framework of the state (as opposed to the right of having and autonomous and global standing) and actively seek to sever Indigenous links to their ancestral homelands" (Alfred and Corntassel 2005:693). Whether the Nisqually Tribal Council will accept the challenge of protecting the remaining ecological integrity of the ancestral village landscape of sčəgʷaliču/Sequalitchew, as well as the historically and culturally significant and spiritually powerful places within this ancient and sentient land- and water-scape, remains to be seen.

**Conclusion: "*It is the only way; the only truth*."**

> In relating to the land, Coast Salish people tell stories of their First Ancestors, the Transformer and other mythical beings who connect people to communities of kin and to the ancestral places where they live. They practice spirit dancing and seek power from non-human persons who dwell with them in the land. Though Salishan languages are endangered, people still widely carry Indian names, evoke Aboriginal place names, and tell the many important life stories and legends associated with these names, reflecting and reinforcing personal and cultural identities [Thom 2005:3].

Lived interrelationships with sentient ancestral village landscapes and the beings with whom they are shared are central to Coast Salish ʔaciɬtalbixʷ/First Peoples' being-in-the-world. "In the Coast Salish context, the senses of place focus attention of the connection and interrelations between myth, legend, ancestor, spirit, song, identity, language, property, territory, boundary and title" (Thom 2005:409). For countless generations, the ancestral village landscape of sčəgʷaliču/Sequalitchew was home to the group of sqʷaliʔabs/Nisqually peoples who referred to themselves as *sɪgwáletcabc* in relation to the name of this landscape and all of the relationships that it encompasses. The very foundation of peoples' lives: sd3xWasch3l3—the ancestral law and teachings specific to each landscape, sustenance for specific lineages including ancestors, powers, gifts, names, songs, stories, miracles—embodies these complex watershed-based living interrelationships and attendant inherited rights and responsibilities that reach across time (sm3tcoom Delbert Miller, personal communication 2012).

The breath of life bestowed upon this landscape by the Transformer—into its wealth of deep waters, shorelines, creeks, sloughs, and brackish marshes; delicate camas prairies and wetlands; forested uplands and glacial kettle lakes; diverse marine, terrestrial, and avian life; and the other the beings and powers who make their homes here—has sustained countless generations of peoples who lived, loved, struggled, prayed, died, and are cradled within the gravelly glacial soils of sčəgʷaliču/Sequalitchew. For sqʷaliʔabs/Nisqually peoples and

Indigenous Peoples around the world, "the ultimate location of *place* is embedded in a profound relationship with the earth. The earth (or land) is both literally and figuratively the first and final teacher in our understanding of our world, communities, families, selves, and bodies" (Walters, Beltran, Huh, and Evans-Campbell. 2011:167; emphasis in original). These autochthonous ways of dwelling, *taught* by sentient landscapes and the beings and powers with whom they are shared, stand in stark contrast to ways of being arising from ontologies which understand nature and culture to be separate and irreconcilable, wherein in place has been reconfigured as *space*, "external to mind or body, a blank canvas onto which culture and empire could be mapped" (Thom 2005:11). Settler colonialism relies upon this false dichotomy, for "the domination of Native peoples was accomplished by their deplacialization: the systematic destruction of regional landscapes that served [sic] as the concrete settings for local culture" (Casey quoted in Thom 2005:11). The first Settler colonizers may have been blind to the *true* wealth of the people as encompassed within sd3xWasch3l3, but they certainly appreciated the wealth of sčəgʷaliču/Sequalitchew as *they* understood it—as a landscape of indescribable and eminently exploitable bounty; as a bundle of commodities to be exploited for individual and corporate monetary gain.

Since the second capsizing, there have without question been immense transformations wrought to sqʷaliʔabs/Nisqually peoples' lifeways and to the ancient relationships between the peoples and the ancestral village landscapes from which they have been forcibly dispossessed. These sentient landscapes have themselves been radically altered over the past century and a half of Settler colonial exploitation. It is critical to maintain an awareness of the fact that for sqʷaliʔabs/Nisqually peoples, the genocide did not end with the murders of Leschi and

Quiemuth, or with the internment, or with being herded on to marginal lands and abusively indoctrinated, but has continued unabated through the present day:

> We believe that these daily reminders of ethnic cleansing coupled with persistent discrimination are the keys to understanding historical trauma among American Indian people. The losses are not "historical" in the sense that they are in the past and a new life has begun in a new land. Rather, the losses are ever present, represented by the economic conditions of reservation life, discrimination, and a sense of cultural loss. Furthermore, we believe that this is an empirical question, that we can measure the presence of this persistence sense of loss and begin to understand its prevalence and impact on the psychological well-being of American Indian people [Whitbeck, et al. 2004:121].

Within sqʷaliʔabs/Nisqually and countless Indigenous ontologies and physical realities, "as the land or relationship to land is impacted – physically or metaphorically – so are bodies, minds, and spirits" (Walters, Beltran, Huh, and Evans-Campbell 2011:167).

Particularly devastating throughout the Coast Salish world is the destruction of the sites and landscapes within which people seek the powers that sustain them, and who the people sustain, as a matter of daily life:

> A key feature of Coast Salish discourse about place is the significance of the land with respect to encounters with spirit power. People journey to particular sites or kinds of places to seek spirit powers, performing rituals and exhibiting correct behaviour to engage in appropriate, circumspect and respectful relationships with non-human beings which are emplaced at these locales […] Physical engagement with these places is essential for the experience of this spirit power, and the important contributions it makes to a Coast Salish person's life […] Radically altering the landscape in these places brutally violates and negates the important relationship between Coast Salish people and their home, perpetuating in unintended but significant ways the powers of colonial history in the present-day world [Thom 2005:153, 158].

The salmon have continued to return to the mouth of sčəgʷaliču/Sequalitchew Creek to fulfill their responsibilities. The orcas and other water beings who depend on them still frequent the deep waters off shorelines rich with aquatic, avian, and terrestrial life. The remnants of the vast camas prairies still offer their bright blue flowers, nestled among oak trees, to the springtime sun. Adjacent to the mine property within the boundaries of Fort Lewis, threatened species such as

the Taylor's Checkerspot Butterfly and the Mazama Pocket Gopher are known to be struggling to survive in what remains of their fragmented habitat. The viability of life for the beings within this landscape is imperiled by the scale of devastation being considered by mine expansion proponents.

In spite of the scale of ecological destruction that has taken place over the last century and a half within the Coast Salish world, *the breath of life remains emplaced within the land*, as do the powers which have sustained the people and all beings since the beginning of their time on earth. sčəgʷaliču/Sequalitchew is a landscape rich with the history and teachings of sqʷaliʔabs/Nisqually peoples. sčəgʷaliču/Sequalitchew is also a landscape filled with power:

> To be successful in life as a Coast Salish person, one must be able to have an enhanced vision to sense the world or ability to control cosmic forces that influence everyday events. Such distinctive Coast Salish successes are seen in a multitude of forms, from an [sic] karmic luck in hunting or fishing, to successes in preparing and applying medicines, to accomplished skills in creating masterwork goods and crafts. To do these things well, and individual must establish a relationship with the non-human world. This relationship is formed between a person and their non-human counterpart during a vision quest encounter or while seeking their *seyowun* (spirit song) as an initiate in the winter ceremonial [Thom 2005:140].

There are places within this vast landscape that that are necessary to success in everyday life as a Coast Salish person. Places such as these, "are critical to help people work out their songs. Formerly, almost all dancers have their spirit songs come to them through experiences at powerful places, encountering the songs in dreams or visions. Today […] older people lament that younger dancers have less opportunity to engage in such vision questing, and often have their songs and spirit mixed up with those of others" (Thom 2005:164). There are also areas of the greater sčəgʷaliču/Sequalitchew ancestral landscape and watershed within which can be found those immense powers to which only peoples belonging to certain lineages have the ancient inherited rights to seek relationships. "The potential for people to encounter these

powerful beings in these places remains. The relationships established in these locations—either of partnership and respect, or of fear and destruction—both have consequences that are well understood in a Coast Salish discourse" (Thom 2005:188).

Importantly, I ask you to recall from Chapter 1 Nisqually Tribal historian Cecilia Carpenter's statements that, "The Nisqually Indian people were very superstitious about lakes, swamps and places where water tended to gather but not disperse or move. They believed a race of demons inhabited the lakes called the Jug-wa or Zug-wa. Nisqually Lake, Spanaway Lake and Steilacoom Lake were believed to be the abode of such demons" (Carpenter 1994: 41). Wickersham had identified Steilacoom Lake as the home of a demon as well:

> Whe-atchee is the Indian name of Steilacoom Lake. It is given to that body of water because a female demon of that name lives in its depths. No Indian ever bathes in that lake for fear of Whe-atchee. When she shows herself it is by raising her head and right arm out of the water, elevating the little finger and thumb and closing the middle fingers, and saying "Here is my Whe-atchee." On account of the fear of this demon this lake is shunned by the Squally-absch as an evil place [Wickersham 1898:350].

Recall also that T.T. Waterman also documented the name of this place, dəx$^{w}$ x$^{w}$iyači, but instead connected the term with American Lake, and provided a translation of the place name as meaning "the palm of the hand. Some supernatural being who lived in this lake used to put his hand up out of the water, but never allowed himself to be seen. Similar stories have been told to me about other localities in the region" (Waterman 2001[1920]:326). Smith (1940) also discusses this powerful place:

> American Lake was thought to have an underground connection with Puget Sound. The opening was about in the center at a place where a large spring comes up into the lake, a spot which never freezes over. Persons avoided this lake when traveling near it and tried not to look at it. A large human hand, opened flat with the fingers close together, was sometimes seen raised out of the water. If this was seen and it remained stationary, the experience was eery [sic] enough; if the hand slowly disappeared into the water the beholder was sure of a near death [Smith 1940:127].

What is essential to bear in mind is that Coast Salish ʔaciɬtalbixʷ/First Peoples "are circumspect and sometimes fearful of encounters with the strongest of these non-human persons. They represent the power to transform a person's life completely. If the person who encounters this power is not ready or strong enough, it could mean death" (Thom 20056:139). Encounters with these immense powers can be extremely dangerous, "people can die, become sick, unconscious, lose their soul, be stricken with fear and have a violently upset stomach" (Thom 2005:166). There is another place within the greater ancestral village landscape of sčəgʷaliču/Sequalitchew regarding which similar stories of avoidance were related to T.T. Waterman: "sčətxʷəd 'black bear,' for Gravelly Lake. A black bear used to come up out of the water, which was in violent commotion afterwards. The water in this lake, also, used to rise and fall with the tide, according to my informants. Someone told me that the level of this lake changes very rapidly, even today. In the old days, people would not go near it" (Waterman 2001[1920]:326). According to the teachings shared with Brian Thom, "The spiritual power associated with the place name established a moral imperative that such places should not be mis-treated" (Thom 2005:218).

I have asked for and received permission to share a dream with you; a dream that salətʼuṗkʷ Leonard Squally's niece Ska-da-wa LouAnn Squally had a few months ago. In her dream, a gigantic black bear with chains wrapped around its legs and body came running to her house on the Nisqually Reservation from the northeast. The bear was crying and began hugging everyone in her family as they tried to remove the chains that bound this being. Gravelly Lake, along with Sequalitchew, American, and Steilacoom Lakes, is one of the numerous interconnected glacial kettle lakes that will be severely detrimentally impacted by the dewatering of the Vashon Aquifer:

> The power of place is felt in the need to maintain respectful relationships with the figures at these places. When people attempt disturbance, the places resist. When the landscape is

> transformed by destruction, by people who do not know or understand the mythical features of the landscape, serious problems such as the loss of resources ensue. Subdivisions and road works can disrupt the presence of these mythic figures in the land [Thom 2005:132].

Traditional cultural properties such as dəxʷ xʷiyačiʔ and sčətxʷəd have been completely omitted from all of the countless cultural resource assessments that have been conducted within this landscape. Documented in the ethnographic literature pertaining to sqʷaliʔabs/Nisqually place names as locations that "people would not go near," there is not much likelihood that without deep and meaningful consultation with the individuals and families who carry specific sets of inherited knowledge that places such as these will be protected. "Understanding the dream-like experiences of a spirit encounter requires a knowledge that is often specific to families" (Thom 2005:173). These hereditary and proprietary spiritual and cultural teachings held by certain lineages are understood as being essential for the continuation of life on Earth, and for the health and well-being of the people and the entities with whom these ancestral landscapes are shared.

What is so important about protecting places such as dəxʷ xʷiyačiʔ and sčətxʷəd? "[M]uch of the loss of opportunity for acquiring strong shamanic [sic] power is rooted in the physical transformation of Coast Salish places to garbage pits, logging sites, and subdivisions, all of which make having encounters with guardian spirits very difficult" (Thom 2005:194). These strongest of powers, "and the places they inhabit always have the potential to be dangerous, and encounters may have serious physical or moral consequences for those who do not undertake engaging in the kinds of relationships demanded in shamanic [sic] spirit quests" (Thom 2005:183). This kind of entity "exercises its power when the place it dwells in is being defiled, when taboos of caution, circumspection, and respect are being broken. From blasting rock to recreational fishing [this kind of being] responds to inappropriate human behavior with catastrophic consequences" (Thom 2005:185). salət̓uṗkʷ Leonard Squally is extremely

concerned that unless the desecration of sqʷaliʔabs/Nisqually ancestors stops immediately, and the places of power which sustain the people are protected and related with in ways respectful of that power, there will be great devastation visited upon his people and upon all of us who live in the region of sčəgʷaliču/Sequalitchew; damage far beyond that which resulted from the 2001 Nisqually earthquake, centered off the shores of this sacred landscape.

The ongoing destruction of historically and culturally important places, sites and landscapes of spiritual power, and the desecration of ancestral gravesites are "colonial traumas," which "reflect colonial practices to colonize, subjugate, and perpetrate ethnocide and genocide against contemporary American Indian and Alaska Native peoples and nations" (Whitbeck, et al. 2004:335). The desecration of these sentient ancestral landscapes and the ancestors laid to rest within them are also amongst:

> several kinds of contemporary events, traumatic in their own right, that take on additional weight when understood in the context of historical trauma. From an indigenous perspective, these events are understood as clearly linked to historical events and patterns of trauma. Accordingly, they serve as contemporary manifestations of past assaults, which in turn dramatically heightens their emotional and cultural significance. Insomuch as these modern events are part of the daily fabric of modern AIAN [American Indian/Alaska Native] life, historical trauma becomes the ongoing context in which many people live [Evans-Campbell 2008:331].

These continued assaults have also been empirically linked to the devastating health disparities suffered by Indigenous peoples worldwide. Research by Karina Walters and colleagues at the University of Washington's Indigenous Wellness Research Institute [IWRI] indicates that traumatic events "that cause *direct physical harm* to community, body, land, or sacred sites" can "be associated with anxiety or PTSD symptoms" (Walters, Mohammed, Evans-Campbell, Beltran, Chae, and Duran 2011:182; emphasis in original). Add to these incessant land-based traumas the daily reminders of the theft of the eastern two-third of the Nisqually Reservation, the large yellow signs in the middle of the reservation warning of imminent trespass on military

lands, the constant flyovers of aerial warships, the incessant pounding of artillery shells and rattle of automatic weapons fire on a daily basis, and try to imagine healing from over a century of genocide within this context. Faced with the everyday reminders of over a century of devastation and continued daily assaults on lands, waters, and other beings, as well as their own subjugated status and history of violent dispossession, sqʷaliʔabs/Nisqually peoples "are no more able to turn their backs on the colonial processes that have attempted to alienate the land and resources than they are able to cease being-in-the-world as a Coast Salish person" (Thom 2005:7; Evans-Campbell 2008).

I had planned on using this conclusion to talk about what avenues might be available to sqʷaliʔabs/Nisqually peoples and the Nisqually Tribal Council to protect the ancestors, sites, gifts, and powers which remain emplaced within the ancestral village landscape of sčəgʷaliču/Sequalitchew. I could discuss how the Nisqually Tribe might possibly leverage their treaty-protected rights to fish for salmon within viable fisheries in order to enforce a duty on the City of DuPont to uphold those rights. I could address the parameters of state and local environmental and cultural resource protection policies and how to best take advantage of opportunities to assert Tribal sovereign rights and responsibilities through participation in local land use decisions under SEPA. I could explore the myriad federal laws including NHPA, NEPA, NAGRPA, E.O. 13007, and the Clean Water Act, and the consultation mandates within them, that may at some point be triggered by federal action and/or permitting. I could discuss the necessity for federal, state, and local agencies, and the Nisqually Tribal Council itself, to go far beyond government-to-government consultation and provide opportunities for meaningful Tribal member participation in environmental and cultural resource related decision-making. I had drafted over one hundred pages pertaining to these potential avenues of resistance and change

when I came across a document which stopped me in my tracks and made me re-evaluate the approach I had intended to take.

For ten years I have devoted myself to the work of supporting salətʼuṗkʷ Leonard Squally in his efforts to protect his ancestors and the places within the sčəgʷaliču/Sequalitchew ancestral landscape which have sustained his people since time immemorial. It brought tears to my eyes when, as I was writing the first draft of this Conclusion, I encountered City of DuPont planning documents which state that, in the face of decades of desecration and destruction of ancestral gravesites and sites of historical, cultural, and spiritual significance, "The Nisqually Tribe has indicated an interest in conducting a Pow Wow in DuPont and also in bidding to host The Tribal Canoe Journey which attracts approximately 70 canoe teams" (City of DuPont and DuPont Business Assocation 2008). I began to reflect on the fact that the Nisqually Tribe has been a partner with the City in hosting numerous events; that the Tribe's Natural Resources Director is involved in the promulgation of a Restoration Plan necessitated by Cal Portland's planned destruction of a vast portion of this landscape and the creek at its heart; that his involvement implies that the Tribal Council supports CalPortland's proposal to destroy the watershed and any and all places important to sqʷaliʔabs/Nisqually history and culture within the mine's footprint; that past Tribal Councils have sanctioned the destruction of gravesites and historical and archaeological sites throughout this landscape; that there is a complete lack of any enforceable mechanism for Tribal Council oversight by the community within the Nisqually Tribe Constitution and Bylaws; that there are no mechanisms for Tribal member participation in environmental or cultural resource decision-making; that many vital decisions pertaining to treaty-rights and the protection of ancestral gravesites and sacred and culturally significant places are currently being made by Settler Tribal fisheries employees and Settler Tribal attorneys; that

Tribal members have actively participated in the desecration of their own ancestors and the destruction of cultural sites; that the desecrations are occurring under the watch, and with the participation, of a "traditional Nisqually medicine man" who is not a practitioner of Seowin but who is said to carry a few Sun Dance and sweat lodge teachings from a Plains Tribal Nation; that there is a reason why a Hereditary Chief and Elder came to a wet-behind-the-ears activist-cum-undergrad and asked for help in protecting these places rather than try to work through his own government.

Ten years I have cried with, and for, salətʼuƀkʏ̓ Leonard Squally and spent many sleepless nights trying to find a way to help him to stop the destruction of one of the most significant and powerful landscapes within all of the sqʷaliʔabs/Nisqually homelands. I had truly hoped that this dissertation would be more than a recounting of the many horrors endured by sqʷaliʔabs/Nisqually peoples since the time of the second capsizing. I had hoped that in the end, I could hand the Nisqually Tribal Council and the Tribe's Legal Department a well-researched and carefully-crafted tool that would contribute to their efforts towards protecting their ancestors and their cultural patrimony, and their efforts towards healing and community resurgence. I have saved my writings which detail various strategies that the Tribe could use to try to stop the mine expansion and will share those strategies with the Nisqually Tribal Council should they ask. But will they?

Settler colonialism has many faces in addition to the one it wears during times of outright genocide. The very same forces behind the destruction of the sentient ancestral village landscape of sčəgʷaliču/Sequalitchew also continue to wreak tremendous havoc on sqʷaliʔabs/Nisqually cultural, spiritual, emotional, and physical well-being. I had made a decision early on in this work that it was not my place to discuss *all* of the effects of Settler colonialism as they have

specifically manifested in the lives of sqʷaliʔabs/Nisqually peoples. I did not want it to seem as though I was "diagnosing" community members without being asked by the community as a whole to engage in a study of historical and contemporary trauma. I have alluded to some of the effects of these traumas by using the generalized language of traumatologists and social workers; by bringing in excerpts from Commissioner of Indian Affairs reports discussing the despair of the Puyallup peoples in the face of being dispossessed of their reservation and the complete social and spiritual upheaval that ensued; by including information about decisions made by the Nisqually Tribal Council and actions taken by Tribal members in spite of the objections of numerous sqʷaliʔabs/Nisqually Elders in contravention to the teachings that salətˀuɬkʷ Leonard Squally has inherited regarding caring for the ancestors and the places and landscapes which have sustained the people since time immemorial.

Giving the Nisqually Tribe advice on how to best leverage the consultation mandates within applicable federal laws, or their treaty-protected rights and responsibilities, or opportunities for input on state-mandated environmental and cultural resources assessments, does very little to support healing and empowerment when so many sqʷaliʔabs/Nisqually peoples themselves have no idea *why* these places and landscapes need to be protected. A few months ago, I asked one of salətˀuɬkʷ Leonard Squally's last remaining living nephews if he would accompany his Uncle to the smokehouse at Skokomish and support him in the Seowin way of life. This is a man who is only a few years older than I am, with whom my partner Christopher grew up. This is also a man who participates in sweat lodge and assists during ceremonies that are conducted by Coast Salish ʔaciɬtalbixʷ/First Peoples from outside the community to care for sqʷaliʔabs/Nisqually ancestors. When I asked him to join his Uncle, he replied, "I can't go. My grandma told me those places are evil." To hear a man my own age tell me, in the year 2012, that

he can't attend the ancient ceremonies *of his own people* because they are *evil*, was profoundly heartbreaking. His grandmother was salətˀuɬkʷ Leonard Squally's mother.

Why is salətˀuɬkʷ Leonard Squally the only living member of the Nisqually Tribe who has been willing to reconnect in any way with the Seowin teachings and ways of being that have sustained his people and their sentient homelands since the beginning of time?

> Anthropologists who are privileged to witness human events close up and over time, who are privy to community secrets that are generally hidden from the view of outsiders or from historical scrutiny until much later- after the collective graves have been discovered and the body counts made have, I believe, an ethical obligation to identify the ills in a spirit of solidarity and to follow […] a "womanly" ethic of care and responsibility. If anthropologists deny themselves the power (because it implies a privileged position) to identify an ill or a wrong and choose to ignore (because it is not pretty) the extent to which dominated people sometimes play the role of their own executioners, they collaborate with the relations of power and silence that allow the destruction to continue [Scheper-Hughes 1995:418-419].

My intention for this work is to contribute to the healing and empowerment of the people who have helped me to become rooted in these lands so far away from my ancestral home. Sharing knowledge with the Nisqually Tribal Council and sqʷaliʔabs/Nisqually peoples about how to navigate through the system of colonial domination in order to have a chance at having their voices heard, considered, and subsequently ignored will not contribute to healing and empowerment in any way. It may very rarely protect a place here and there but it will do *nothing* to support the people in their efforts to begin to heal the wounds of generations of genocide and recover their breath.

In *The Bitter Waters of Medicine Creek: A Tragic Clash between White and Native America* (2011), author Richard Kluger recounts the life and murder of Leschi, but saves the final chapter of his book for a glimpse into the Nisqually Tribe's history since the beginning of the reservation era and up through the time of the book's publication. Kluger provides a nine-page account of the period between the late 1850s and late 1970s which focuses largely on

broader national federal Indian policy. He includes a few specific references to sqʷaliʔabs/Nisqually peoples including one page pertaining to the illegal condemnation of the eastern two-thirds of the reservation, brief references to Nisqually Tribe organizing under the IRA, and several pages pertaining to the fish wars and the *Boldt* decision. As Kluger states, in the years following the *Boldt* decision, Tribal demographics began to change dramatically as "[f]amilies began to trickle back from the diaspora, heartened by the opening of a federally funded $700,000 tribal headquarters in 1977" (Kluger 2011:258). The fact that so many contemporary Tribal members come from families who lived off the reservation for many decades, or who never lived there at all, does not necessarily make them any less "authentically Nisqually." It does, however, mean that many contemporary Tribal members were raised in completely different cultural and political contexts than those who stayed. Each family, whether they stayed on the reservation or are recent enrollees, has their own experiences and narratives of surviving the genocide.

In his account of reservation life immediately following *Boldt*, Kluger also asserts that:

> [T]rue recovery from generations of desperately hard times was stymied by a struggle for power and status among the tribe's families, waged with an intensity inverse to the size of the reservation and the number of its dwellers. In a place where everyone was related to someone else not far away, emotions were always close to the surface, and infighting for supremacy erupted with regularity. Among the tribes of the south Sound, the Nisquallies were notorious for the instability of their government and the passion of their civil discord. Sometimes fists flew at general council meetings. The Nisquallies could be "a generous, friendly, open people," observed former New Englander Matthew Porter, a white outsider who put in a stint for several years as tribal education director [Kluger 2011:258].

"True recovery" is not being "stymied" by power-grabs among families. As argued by Kanien'keha:ka/Mohawk scholar Taiaiake Alfred:

> [C]olonialism is best conceptualized as an irresistible outcome of a multigenerational and multifaceted process of forced dispossession and attempted acculturation – a disconnection from land, culture and community – that has resulted in political chaos and

> social discord within First Nations communities and the collective dependency of First Nations upon the state. This harm has resulted in the erosion of trust and of the social bonds that are essential to a people's capacity to sustain themselves as individuals and as collectivities [Alfred 2009:52].

Struggles for "power" within the Settler colonial system of genocide and domination, along with Tribal government dysfunction, are *symptoms* of the problem.

Kluger continues his account of reservation life in the closing years of the twentieth century:

> But they were stricken, as so many other native people have been since the whites came to their land, by the plague of alcoholism. "It affected almost every family on the reservation" [stated Porter]. Dysfunctional parents begat succeeding generations of likewise afflicted children in a seemingly unbreakable vicious cycle. The ravaging effects of addiction were compounded after Latin American drug lords targeted Indian reservations as both choice customer territory and, because of their relative remoteness, ideal bases for the processing and distribution of their lethal products […] By the last two decades of the twentieth century, getting arrested for using, carrying, selling, or antisocial acts as a result of taking drugs became almost a rite of passage among Nisqually Youth […] The place was beset by joblessness, drugs, alcoholism, truancy, and a tragic epidemic of suicides among the tribe's young men by hanging and drug overdosing [Kluger 2011:258; 261-262].

salətʼuṗkʷ Leonard Squally has always been open with me about his own decades of alcoholism and his coming to sobriety in the wake of his ex-wife's suicide and becoming the sole parent of his son with her and her son with another man. We have also talked openly about the young men who remain nameless in Kluger's account, including salətʼuṗkʷ Leonard Squally's own son and several of his nephews, who committed suicide, who died in violent alcohol-fueled car accidents, who overdosed. So many of the young sqʷaliʔabs/Nisqually peoples who have taken their own lives are members of the families who stayed on the reservation since being released from internment. These are the families who survived reservation life through the worst of the assimilation and missionization years; families who held the reservation together after the condemnation and struggled to maintain political cohesion under post-IRA indirect colonial rule;

families who laid down their very lives in defense of their peoples' inherent treaty-protected rights and responsibilities; families who carry the remnants of ancestral teachings.

Kluger's assertion that the substance abuse, violence, and suicides of the 1990s were "rites of passage" blinds his readers to the truth that they are the manifestations of intergenerational and contemporary traumas of Settler colonialism:

> The self-hating inward turn of this negative energy in reaction to colonization is one of the most damaging aspects of the problem, what Lee Maracle has called the "systemic rage" so common among colonized peoples […] Disconnection is the precursor to disintegration, and the deculturing of our people is most evident in the violence and self-destruction that are the central realities of a colonized existence and the most visible face of the discord colonialism has wrought in indigenous lives over the years. Cycles of oppression are being repeated through generations in indigenous communities. Colonial economic relations are reflected in the political and legal structures of contemporary indigenous societies, and they result in Indigenous peoples having to adapt culturally to this reality and to individuals reacting in destructive and unhealthy (but completely comprehensible) ways [Alfred 2009:43;52].

There is a level of awareness within the sqʷaliʔabs/Nisqually community of the effects of historical trauma in the context of Settler colonialism. I remember that during the first years that I worked with salətˀuɬkʷ Leonard Squally, the Nisqually Tribe hosted an historical trauma workshop in the Elders' lunch room which was conducted by people who have become my colleagues and family at the University of Washington. There is also currently a poster hanging in the Tribal Center which features a circular chart of many of the events that I have related within the previous several hundred pages, and which specifically names historical trauma as the result of these acts of genocide and ethnocide. The fact that the handful of Tribal members who spoke with Kluger referred openly to individual, family, community, and governmental dysfunction indicates that there is a level of awareness of the effects of historical trauma within the community which perhaps has not been effectively communicated to Kluger.

In addition, in Kluger's account these dynamics are entirely relegated to the past. "When considering how colonization systematically deprives us of our experiences and confidence as Indigenous peoples, the linkages between colonialism, cultural harm, and the disintegration of community health and well-being become clearer. Furthermore, this is a spiritual crisis just as much as it is a political, social, and economic one" (Corntassel 2012:88). While the wave of suicides and premature and often violent deaths which claimed many young lives, including the lives of salətʼuɬkʷ's own son and nephews, may have abated, the slow self-inflicted deaths and injuries caused by substance abuse, violence, neglect, self-hatred, and sociopolitical dysfunction remain constant. Kluger proposes that the Nisqually Tribe's gaming venture, the Red Wind Casino, has been the driving force behind "a dramatic reversal in the collective fortunes of Leschi's struggling descendants" (Kluger 2011:285). He recounts how current Tribal Chair and former Weyerhaeuser executive assistant Cynthia Iyall returned to the community in 1996, securing a position on Tribal Council and taking over as the Tribe's economic development officer. During her first term on Council, the Tribe converted their former BINGO hall into a 9,000 square foot casino which has unquestionably changed the Tribe's economic situation as a Nation.

> With decreasing militant resistance and increasing disconnection from the way of life enjoyed by our ancestors, we have experienced an accompanying shift in loyalties. For example, in the late 1980s when gaming was introduced to our communities as a viable means of economic development, it was hailed as "the new buffalo" because it provided a single source of revenue that could provide for all the basic needs of our people, just as the bison did for Plains Peoples prior to their near annihilation. And, certainly some of the Indigenous communities with thriving casinos and bingo businesses have experienced a reprieve from the hunger and destitution of previous generations under colonial rule. In general, however, Indian gaming is a poor substitute for the bison. In addition to ignoring the spiritual and kinship relationship Indigenous Peoples maintained with the Buffalo People, the phrase "the new buffalo" also denies the connection to land and life inherent in not just hunting traditions, but any way of life in which people draw their sustenance directly from the land. The shift to a gaming-dependent economy also required a practical shift in how gaming communities relate to the landbase. Gaming communities, for

> example, will utilize their newfound financial and political leverage to fervently protect Indian gaming from any outside threat—that is, major efforts are initiated to protect the institution that is now seen as the source of livelihood and wellbeing. It means that tribal leadership, with the support of the population, is also committed to supporting and maintaining the systems and institutions that these gambling ventures require (including the existing oil-dependent infrastructure, capitalism, and the state apparatus that supports the Indian monopoly on high-stakes gaming in most states) [Waziyatawin 2012:72].

This assault on Indigenous autochthonous lifeways takes place within a greater context in which Indigenous peoples are forced to cooperate with colonial authorities in order to ensure our physical survival (Alfred and Corntassel 2005). Without question, the number of Tribal members exercising their inherent treaty-protected right to fish has dramatically declined. It is rare to find any sqʷaliʔabs/Nisqually youth who can pole a canoe, hang a net, or butcher fish. The salmon are now generally looked upon by many as a "resource" rather than a relative, with the teachings pertaining to the Salmon Ceremony remembered as an afterthought and hastily and carelessly acknowledged they were this past year.

> At the same time, many Indigenous people from gaming communities continue to espouse beautiful rhetoric about cherishing the earth, treating the earth as mother, and living in balance with all of creation. It is not that our people are reciting teachings in which they do not believe. Intellectually, we understand the importance of the values and teachings that sustained our ancestors, but our experience suggests a different set of values that undermines our capacity and willingness to engage activities that might threaten the status quo [Waziyatawin 2012:73].

With widespread habitat degradation and dwindling salmon runs, it is to some extent understandable that the Nisqually Tribe would turn to gaming as a source of revenue in order to survive.

The Red Wind Casino has had a tremendous impact on the Nisqually Tribe itself as a politicoeconomic entity but noticeably not on Tribal employment, a fact which Kluger attributes to:

> The culture gap [being] simply too wide. Tribal members did not much care of indoor labor, grubbing for tips, or hewing to a work ethic that demanded strict punctuality,

> repetitive tasking, sedentary labor, and steady attendance—you could not just take a day off to fish or tend to Auntie when she got ill. A high school diploma or G.E.D. was a requisite for almost all casino jobs, and detectable drug use was a cause for swift termination. Thus of the 625 employees on the Red Wind payroll when the casino hit its stride after a few years, no more than 70 were Indian, and only 40 or so of them Nisqually [Kluger 2011:288].

Lack of Tribal member employment notwithstanding, within five years of the first expansion, the casino was grossing approximately $10 million dollars annually. The allocation of profits under stipulations of the Tribe's gaming compact with Washington State was supposed to include "10 percent for per capita cash distributions to every enrolled member of the tribe" (Kluger 2011:287). Per capita distributions, however, were at that time being channeled into repaying the Tribe's bank loan. "Tribal elders griped that so far the business had not much improved their lot" (Kluger 2011:287). Not that sqʷaliʔabs/Nisqually Elders seemed to *really* matter very much:

> The dramatic improvement in Nisqually finances was accompanied by a notable change in its demographics. By the first decade of the twenty-first century, 60 percent of the tribe was under the age of thirty-five, and one-third was eighteen or younger. There were few left who knew the old language or wore tribal dress except on rare ceremonial occasions. Foremost among the younger tribal adults newly exercising a leadership role was Cynthia Iyall [Kluger 2011:289-290].

After former Weyerhaeuser executive assistant Cynthia Iyall had completed her first term on Tribal Council "she was discouraged by the infighting and stepped away to concentrate on her development job" (Kluger 2011:262).

Within her position as the Tribe's economic development officer, Iyall was undoubtedly involved in promoting and expanding gaming operations. The casino underwent a tremendous expansion beginning in 2003, the same year that Iyall made an unsuccessful bid for a Council seat. In 2006:

> "The tribe was on the cusp of making it or failing," recalled Cynthia Iyall, who from her desk and duties in the Nisqually headquarters building had her finger on the pulse of governmental activities. "It had endured decades of hard times, and we needed someone there to do things—not keep going off" and neglecting leadership duties. Hopeful since

> her return to the tribe a dozen years earlier of one day winning the Nisqually council chair, Iyall was ready to go after the job again [Kluger 2011:291].

The former Weyerhaeuser corporate executive assistant "promised, if elected, to *lead the tribe into the modern world* without losing touch with its cultural heritage. 'The idea was let's move into a new universe,' Iyall said. 'These old guys have had their time, and they've kept our people down.' She won the election handily" (Kluger 2011:291; emphasis added). These "old guys" included "shrill obstructionists," "older women" who were said to be "especially jealous of her," as well as "families that had long exercised oligarchic domination over [the Tribe's] governing apparatus" (Kluger 2011: 262; 264; 292). As noted by one Tribal Elder, Georgeanna Kautz, "We have to work together here, and Cynthia doesn't have the leadership skills to bring the tribe together—the families are fighting ugly, and she's letting it happen. I wish I weren't in this tribe now" (Kluger 2011:296). Many of these "old guard" families are the ones who carry the remnants of what was once a beautiful and sustainable way of life; the carriers of "cultural heritage" with which the Tribe would somehow keep touch while venturing into the "modern world." In the service of Settler colonial genocide, "It is the Elders and those who have been recognized as traditional knowledge holders or spiritual leaders that have that right and responsibility; and, it is theirs whose voice is being ignored, appropriated and manipulated in the advancement of the aboriginalist agenda" (Alfred 2009:52).

Without question, the Nisqually Tribe under Iyall's leadership has continued to experience tremendous economic growth:

> By the end of 2008, Red Wind was grossing $90 million a year […] Its 2009 profits came to $35 million, or more than $52,000 for each of the tribe's 670 enrollees, the highest membership in living memory. Actually, only $10,500 (taxable) went directly into the pocket (or, for minors, into a trust account) of each Nisqually. The rest was ticketed, in keeping with the tribe's state-approved revenue allocation plan, mostly for enhanced governmental, social, and health services, managing natural resources (including two fish hatcheries), and finding new business opportunities [Kluger 2011:289].

Under former Weyerhaeuser corporate executive assistant Iyall's "strategic investment plan," the Nisqually Tribe has further diversified its economic base, entering the for-profit incarceration industry with the current construction of a facility to house both Tribal and non-Tribal inmates, planning the construction and operation of a portion of a major retail complex on land that it purchased from the City of Lacey, operating a number of gas stations both on the reservation and off, and buying out Iyall's old aquatic technologies business that, now under Tribal ownership, contracts out to Washington State, Pierce County, and the Army Corps of Engineers (Kluger 2011).

> Using Red Wind's profits to expand or at least sustain the tribe's flow of earnings had been Iyall's top priority, but putting its new-found wealth to good communal use was no less a challenge to the council chairwoman. Her emphasis, in light of youth-skewed demographics of the tribe, was on educational programs and recreational facilities aimed at combatting the old stranglehold of drug addiction [Kluger 2011:293].

According to the information shared with Kluger, under Iyall's leadership, substance abuse has declined dramatically, educational attainment is on the rise, and "Iyall's efforts will help determine whether the diminutive Nisqually tribe will perish or endure as a sovereign entity after generations of trial and torment—and may perhaps even prosper anew as a subculture with its spiritual values largely intact amidst an immense, churning society that has spared it little love" (Kluger 2011:297).

Kluger must not have spent any appreciable time in the Nisqually community and just accepted at face value these assertions that the community is on its way to a culturally and spiritually grounded economic and political renaissance. Substance abuse, gambling addiction, child abuse and neglect, Elder abuse and neglect, violence, thefts, and political discord continue to be some of the defining features of life on the Nisqually reservation. I do not say these things with malice in my heart. I say these things because I care very deeply for the people who have

shared their lives with me for these part ten years. I say these things because these issues are in no way unique to the Nisqually Tribe, and if this work is to contribute in any positive way to the healing and resurgence of Indigenous peoples, then I believe that I have a responsibility to be honest about the parameters of suffering:

> It is evident to anyone who has experience living or working within First Nations communities that conventional approaches to health promotion and community development are not showing strong signs of success […] Despite some celebrated successes in court cases and economic development ventures, neither of these strategies generates real transformation in the quality of the lived experience of Indigenous peoples' lives or expands the opportunities they have for living in ways that are not harmful to themselves or their communities. There is in fact not a shred of empirical evidence that increasing the material wealth of Indigenous people, or increasing the economic development of First Nations communities, in any way improves the mental or physical health or overall well-being of people in First Nations communities (Irlbacher-Fox, 2009) […] In fact, business development and job training and other schemes to increase First Nations participation in the market economy are *irrelevant* to the basic problems that are the actual causes of the social and health crises in First Nations communities and at the root of First Nations psychological and financial dependency on the state [Alfred 2009:44; emphasis added].

Even more dangerous than irrelevance, "With promises of job training, education, and services, Indigenous people are baited into abandoning the struggle to defend the land and to actually participate in or help facilitate the destruction" (Alfred 2009:73). This cooptation of Tribal members into participating in auto-genocide further demonstrates that, "The root of the problem is that we are living *anomie,* a form of spiritual crisis, caused by historical trauma that has generated an "Aboriginal" legaleconomic response that is not authentic and is designed by non-indigenous people to serve the interests of the colonial regime and capitalism" (Alfred 2009:53).

Economic development initiatives that promote assimilation and further integration into the capitalist system of Settler colonial domination and destruction are not the answer:

> When market transactions replace kinship relationships, Indigenous homelands and waterways become very vulnerable to exploitation by shape-shifting colonial powers. State construction of citizenship is one way the politics of distraction takes shape in Indigenous communities […] Given that we're currently confronting "…manipulations

> by shape-shifting colonial powers" and that "the instruments of domination are evolving and inventing new methods to erase Indigenous histories and senses of place" (Corntassel & Alfred, 2005, p. 601), one should be wary of any citizenship models grounded in capitalism/neoliberalism to the exclusion of responsibility-based governance. Rather than emulating Western institutions and nation-building models, the top priority for responsibility-based communities should be to revitalize local Indigenous economies where "markets are subservient to a subsistence paradigm and welfare of the people" (Phillips, 2006, p. 535) [Corntassel 2012:95].

In addition, Tribal governance structures which further entrench indirect colonial rule are completely inadequate and counterintuitive to the work of "either planning or leading the cause of indigenous survival and regeneration. Reconfiguring First Nations politics and replacing current strategies, institutions and leadership structures with those rooted in and drawing legitimacy from indigenous cultures is necessary for creating renewed environments capable of supporting indigenous ways of being" (Alfred 2009:44).

Before any kind of meaningful decolonial reformation of Tribal governance structures can be undertaken, however, individuals, families, and communities must make a commitment to:

> a sustained effort at spiritual revitalization and cultural regeneration […] Indigenous peoples in our part of the world possess the potential to resurgence as well, even though this is complicated by the persistence of a colonial settler presence. In the face of that reality, there are still Indigenous people who have broken the bonds of dependency and created stability and self-sufficiency in many different ways, using all kinds of economic strategies and forms of political and social organization, but they have all accomplished their re-empowerment in political and economic ways *after* they have been successful in recovering a strong connection to their traditional culture and restored their spiritual strength on personal and collective levels (Waziyatawin & Yellow Bird, 2005; Laduke, 1999; Alfred, 2005) [Alfred 2009:45; emphasis added].

The tuwaduqutSid language term sh3p'sch3l3, "cut off from the ancestors," refers to the severing of the people from the sacred breath blown into these lands through genocide, forced assimilation, and ecological devastation.[142] These are the echoes of sp'əláč—the second

[142] The approximate pronunciation of the term sh3ps'ch3l3 is: SCHUB-schuh-luh.

capsizing—which has caused the people to turn their backs on their history and ancestral law (sm3tcoom Delbert Miller, personal communication 2012). Being sh3p'scH3l3—cut off from the ancestors—people are trying to move through the world with no foundation, with nothing behind them. Disheartened, frightened, and sad, they often turn to violence and substance abuse, or reach for another culture (sm3tcoom Delbert Miller, personal communication 2012). "We are living through a spiritual crisis, a time of darkness that descended on our people when we became disconnected from our lands and from traditional ways of life […] If we do not find a way out of the crises, we will be consumed by the darkness, and whether it is through self-destruction or assimilation, we will not survive" (Alfred 2005:31). It is only through recovering the breath of life blown into their ancestral homelands and waters that the sq$^{w}$aliʔabs/Nisqually people will begin to heal. "This is the only way; the only truth. If families would open their hearst to these teachings it would make them so much stronger spiritually" (sm3tcoom Delbert Miller, personal communication 2012).

In seeking to address the manifestations of historical trauma and sociopolitical discord, and to institute a buffer against the deleterious effects of ongoing colonization, "the most significant issues are not legal, political or financial in nature, they relate to the destruction of languages, spiritual practices, and social institutions (family, community, and governing structures), and the importance of restoring these things in order to re-establish a sense of personal identity and belonging for contemporary Indigenous peoples" (Alfred 2009:53). Western scientific and social scientific research is beginning to confirm what Indigenous Elders and traditional spiritual leaders and practitioners have been telling us for generations: that the very core of Indigenous being that Settler colonizers have long sought to destroy—traditional spiritual and land-based practices and strong Indigenous identities—are sites of resistance,

healing, and resurgence (Burgess et al. 2005; Walters and Simoni 2002; Walters, Beltran, Chae, and Evans-Campbell 2011; Walters, Mohammed, Evans-Campbell, Beltram, Chae, and Duran 2011; Whitbeck et al. 2002; Whitbeck et al. 2004).

> The return of Indigenous people to their ancestral land reinvigorate[s] Aboriginal culture by being closer to sacred sites and enabling intergenerational transmission of traditional law, healthier lifestyles through reduced reliance on store-bought food stuffs, caring for country and fulfilling cultural obligations, lower[ing] rates of substance abuse and domestic violence and [enabling] greater autonomy from often-destructive outside forces [Burgess et al. 2005:119].

I do want to acknowledge the fact that there have been a number of positive steps that have been taken by the Nisqually Tribe to support sqʷaliʔabs/Nisqually peoples seeking to meaningfully reconnect with ancestral Coast Salish ʔaciɬtalbixʷ/First Peoples' teachings. Among the most profound and effective efforts are those which have occurred in the context of participation in the annual Canoe Journey:

> In 1989 Emmet Oliver a Quinault Tribal Member and Frank Brown of Bella Bella B.C. had the idea, timing with the Washington State Centennial Celebration to "Paddle to Seattle". The historic event involved nine traditional ocean going cedar dugout canoes traveling on the water making a journey from coastal villages of Northwest Washington and Canada to the Port of Seattle. The Paddle to Seattle event in 1989 sparked interest with the Washington Coastal Nations. The Quinault Indian Nation, as well as other Nations have been working to heighten the awareness of tradition and culture by continuing the revival effort of 1989, renewing tradition and culture. This initiated an annual event starting in 1993 where people of the Pacific Northwest from the coasts of Alaska, British Columbia and Washington State came together traveling to celebrate and share traditional songs and dance. Canoe Journey is a drug and alcohol free spiritual and personal journey affording youth, elders and community to engage in healing and recovery of culture, traditional knowledge and spirituality [Paddle to Quinault 2013].

The Nisqually Canoe Family prepares for the annual journey throughout the year, hosting dinners within the community, participating in cold water training, teaching and learning songs and dances, and striving to support drug and alcohol free lifestyles.

The Nisqually Tribe has also promoted avenues of healing which involve reconciliation. In 2003, former Weyerhaeuser corporate executive assistant and current Tribal Chair Cynthia

Iyall secured a resolution from the Nisqually Tribal Council supporting the efforts of a volunteer committee of which she was a member to have Leschi exonerated for the murder for which he was wrongfully hanged (Kluger 2011). Pierce County Prosecutor John Ladenburg proposed the idea of a "quasi-judicial tribunal" to engage in an "exercise [which] would not, of course, be legally binding, but might have a sufficient moral and symbolic aura about it to being a substantial measure of relief to the Nisqually people and thereby do honor to Leschi's memory" (Kluger 2011:266). Iyall, Nisqually Tribal historian Cecilia Carpenter, and their volunteer committee initially hoped for a legally binding Supreme Court decision, but out of fear that their petition would be denied, agreed to "settle for a staged judicial proceeding with the trappings of authenticity and the likelihood—but no guarantee—of a friendly outcome. It took two months for Iyall and her allies to decide" (Kluger 2011:276). On December 10, 2004, Supreme Court Justice Alexander, in the theater of the specially-crafted and legally non-binding historical court, issued an honorary exoneration. While this staged event maybe have brought a small measure of healing to a number of community members, "reconciliation without meaningful restitution merely reinscribes the status quo without holding anyone accountable for ongoing injustices" (Corntassel 2012:93). salətʼuɬkʷ Leonard Squally is well aware of this fact: "Honor Leschi. They want to honor Leschi? Then they need to stop *dishonoring* him by letting Weyerhaeuser destroy the graves of his warriors" (personal communication, 2010). Reconciliation is not *justice*, for "without massive restitution, including land, financial transfers and other forms of assistance to compensate for past harms and continuing injustices committed against our peoples, reconciliation would permanently enshrine colonial injustices and is itself a further injustice" (Alfred 2005:152).

The Nisqually Tribe has also made efforts to support the revitalization of Indigenous foodways by providing financial assistance and securing campgrounds for Tribal members participating in annual huckleberry harvesting camps and it is hoped that participation will increase. The Tribe has also constructed a contemporary longhouse-style facility for hosting community events on the former Brown Farm property in the Nisqually Delta which the Tribe likely purchased with earmarked funds from their private 1994 Settlement Agreement with then-Lonestar Northwest Sand and Gravel. The Tribe has also started an organic farm on the property, which is providing Elders and community members with access to healthy locally-grown produce during growing seasons in an attempt to combat diet-related health issues such as obesity and diabetes, and to provide opportunities for teaching and learning about, and sharing, traditional foods and medicines. The property has been renamed sxʷdaʔdəb by the Tribe, after the spiritually powerful landscape *on the other side of the Nisqually Delta* at Medicine Creek, rather than with its ancestral name. While re-naming can be a powerful means of helping people to reconnect with their ancestral lands and teachings, I have questions about whether renaming a place inaccurately can interfere with the re-establishment of "proper" relationships with specific places. Inaccurate renaming seems to offer little basis from which to reinvigorate place-based rights and responsibilities with the aim of community healing, decolonization, regeneration, and resurgence.

A commitment to reinvigorating the land-based relationships and responsibilities which are proven to bring healing:

> means engaging in continuous cycles of renewal that are transmitted to future generations. These are the new stories of resistance and resurgence that compel us to remember our spiritual and political principles and values and act on them. By renewing our roles and responsibilities everyday, future generations will recognize us as Indigenous defenders of our lands, cultures, and communities [Corntassel 2012:94].

It is possible, and from many perspectives is *only* possible, to restore our people to dignity through a commitment to spiritually-grounded resurgence and the fulfillment of ancient responsibilities. "Given that a state-centered rights discourse has limits in terms of addressing questions of Indigenous recovery and community resurgence, a responsibility-based ethic grounded in relationships to homelands and community knows no limits. Our ancestors and future generations will recognize us as Indigenous by how we act on these responsibilities" (Corntassel 2012:93). It is through the active fulfillment of ancient place-based responsibilities that the crippling disruption, dependency, and discord of Settler colonialism can be overcome:

> The resurgence of an indigenous consciousness is an explosive potential capable of transforming individuals and communities by altering basic conceptions of the self and in relation to other peoples and the world. Its elements are the regeneration of identities consistent with the sacred teachings that come from the land, commitments to stand up for ourselves, and just restitution for the harms that our people have endured. There is no apparent alternative capable of helping First Nations build better relationships within communities, restore regimes of peace, respect and responsibility, and to lead Indigenous people to courageously counter the legacies of historical trauma and still-present threats to our existences [Alfred 2009:48].

Addressing these legacies and still-present threats to the existence of sq$^{w}$aliʔabs/Nisqually peoples through a reinvigoration of spiritually rooted place-based teachings, practices, and responsibilities is the only viable path to sq$^{w}$aliʔabs/Nisqually resurgence.

It is important to acknowledge the work that has been done within the community to maintain a spiritually-grounded connection with the rest of Creation. Many sq$^{w}$aliʔabs/Nisqually families have long embraced Christianity, and there are a number of people who participate in ceremonies derived from Plains traditions, and who attend ceremonies conducted by spiritual leaders in Plains Nations. There are also families who have embraced syncretic practices such as those taught and lived through the Native American Church and the Indian Shaker Church. All of these traditions and practices have served to provide many people with a degree of healing that

cannot be discounted. However, except for some Indian Shaker Church teachings, these ways of being have *come from other places* and have nothing to do with fulfilling *place-based responsibilities* within the Coast Salish world. In regard to the Indian Shaker Church, some Seowin teachings, songs, and practices, at times throughout the Church's history openly demonized by Shaker practitioners, have been passed down (mostly in altered form) through the Church, but have been so blended with Christian teachings and practices and universalized across communities of practice that they have become decontextualized and rendered *placeless*. "People must reconnect with the terrain and geography of their indigenous heritage if they are to comprehend the teachings and values of their ancestors, if they are to draw strength and sustenance that is independent of colonial power and which is regenerative of an authentic, autonomous, indigenous existence" (Alfred 2009:55). These practices of other places and peoples will not enable the people to recover the breath of life that remains emplaced within the ancestral sqʷaliʔabs/Nisqually homelands.

Throughout the Coast Salish world, "place is the center of relationships with mythic stories, spirit power, ancestors and other beings. These senses of place run through the expressions of property and territory that underlie traditional Coast Salish economies and intercommunity relations" (Thom 2005:1). As discussed at length in Chapter 1 of this work, place, and the rights to and responsibilities for caring for places, was historically so important to sqʷaliʔabs/Nisqually peoples that they referred to themselves in relation to the names of the sentient ancestral village landscapes in which they dwelled prior to the second capsizing. These placed-gifted group names are an embodiment of the relationships and responsibilities belonging to specific families and lineages. In addition, there are:

> important associations Coast Salish people make between hereditary personal names and particular places associated with the history of other bearers of those hereditary names.

> Through these names, place is bound up with the very identity of an individual. Time is subsumed by place in the stories of ancestral title holders and contemporary networks of kin who carry those names [Thom 2005:55-56].

Hereditary personal names are an embodiment of inherited rights of ownership and responsibilities of maintaining respectful relationships within those places which have been under the care of certain lineages since time immemorial. Teachings about the First Ancestors, as discussed in Chapter 1, also connect different landscapes with different families and village groups, with the supervision of the fulfillment of responsibilities and the allocation of rights being under the aegis of headmen (Kennedy, et al. 1998:51).

There has been some effort on the part of a small number of families to recover the hereditary personal names which have been carried by generations of predecessors. Through a broader effort at reclaiming, and through the recovery and active application of knowledge, rights, and responsibilities specific to the landscapes associated with these names, perhaps the people have a path upon begin their journey to recovery and wholeness:

> It is the use and occupation of lands within traditional territories, economic uses, re-establishing residences, seasonal/cyclical ceremonial use, and occupancy by families and larger clan groups that will allow First Nations to rebuild their communities and reorient their cultures. The restoration of the capacity, on an individual and communal level, for trust and love to exist in the relationships between First Nations people is absolutely crucial to any real transcendence of the effects of colonialism [Alfred 2009:54-55].

While, as I have been instructed, the breath remains emplaced within the land, the bodies of knowledge and practices associated with these landscapes has long been submerged within most sqʷaliʔabs/Nisqually families. "Such 'gaps' might be understood instead as silent resistances, temporary mutings of knowledges that await being (re)found by someone in a dream. Through reconnecting with place, Indigenous peoples are able to reclaim their ways of being and their knowledges" (Lee 2011:8-9). As noted earlier in this conclusion, the knowledge needed in order

to understand the experiences of a spirit encounter is often specific to families (Thom 2005). While Settler colonialism:

> seeks to separate Indigenous individuals from who they are as Indigenous peoples, the ultimate source of knowledge - land and our relationships to it - has not disappeared […] Relationship to territory is key to Indigenous peoples' resurgences and decolonization. This relationship is the source of Indigenous knowledges, identities, languages, nationalisms, songs and laws. As Oscar Kistabish said in his own language, "[t]erritory is a very important thing, it is the foundation of everything. … I am territory." Resurgence is the process that moves us towards the goal of decolonization, as it is a process of picking up Indigenous knowledges to carry ourselves and our responsibilities to/within Creation [Lee 2011:1; 3].

The reclaiming of the breath of life necessitates the re-establishment of relationships and responsibilities while guided by sd3xWascH3l3—"the lands, waters, beings, powers, ancestors, ancestral law, languages, peoples, names, histories, songs, miracles, lineages, gifts, teachings, and all that goes along with that" (sm3tcoom Delbert Miller, personal communication 2012).

Fortunately for sqʷaliʔabs/Nisqually peoples, these place-based teachings and practices are absolutely recoverable, as is evidenced by the resurgence of Seowin throughout the Puget Sound over the last several decades. There are still a great number of people throughout the Coast Salish world:

> who continue to engage and experience relationships with the spirit world that are firmly rooted in oral tradition. Thousands of people engage the winter dance and other spiritual matters, as well as practice aspects of the locally developed Coast Salish economic life such as hunting or clamdigging. Their view is one which holds that place is essential for relations between human and non-human beings, and for society as a whole [Thom 2005:195].

sqʷaliʔabs/Nisqually peoples as individuals and families, like other Puget Sound Coast Salish ʔaciɬtalbixʷ/First Peoples have done before them, will have to make a commitment to *relearn how to learn from place* under the guidance of contemporary practitioners of Seowin throughout the Coast Salish world.

> The role of mentorships and apprenticeships is crucial to initiating a process of community regeneration that takes Indigenous peoples beyond performance and into the realm of everyday practice. Change of this magnitude tends to happen in small increments, "one warrior at a time" (Alfred & Corntassel, 2005, p. 613). Elders and teachers will need to ready themselves for the renewed responsibilities of assisting others in their reconnections to land, culture and community [Corntassel 2012:98-99].

Because I am not an initiate within Seowin, I do not have the hereditary and proprietary knowledge that defines the parameters of these teaching and learning relationships within this spiritual society. salətʼuƛ̓kʷ Leonard Squally became a dancer late in life, being initiated in his early seventies during my time away from him at the University of Arizona. According to the teachings shared with Brian Thom, "it is not proper or indeed is dangerous to openly reveal the source of one's power. Doing so could be interpreted by the spirit as boasting or otherwise being disrespectful and could risk the power diminishing or becoming 'spirit sick' if the spirit chooses to leave" (Thom 2005:167-168). salətʼuƛ̓kʷ Leonard Squally has, however, shared these words with me about what Seowin has brought to his life:

> I came to this so that it would help me in my work. With my ancestors, protecting their graves. I feel good when I go out there [to the House of Sla'nay at Skokomish]. Real good. Those songs make me feel real good. They help me […] I go out there and sing, they help me sing my song. I get stronger—I can feel it—and I sleep so good when I get home. It helps me in my life [salətʼuƛ̓kʷ Leonard Squally, personal communication 2012].

It is up to each and every sqʷaliʔabs/Nisqually individual to make the decision to change their lives and to recover the ways of being that have sustained their families, lineages, villages, and Nation since time immemorial. "Transformations begin inside each person, but decolonization starts becoming a reality when people collectively and consciously reject colonial identities and institutions that are the context of violence, dependency and discord in indigenous communities" (Alfred 2009:44).

According to teachings lived by the families of the House of Sla'nay, passed on through the Breath of the Ancestors, human beings have responsibilities to the rest of Creation. As discussed in the Introduction to this work, according to these teachings, "The knowledge possessed by each life force would inspire the human beings to learn how to build homes, obtain songs of power, and dance in the ceremonial way. In return, the human beings would contribute to the stability necessary for harmony by respecting and protecting all life forms" (Pavel, Miller, and Pavel 1997:55-57). The intergenerational transmission of these ancient autochthonous teachings is dependent upon the very existence of the beings and powers who comprise sentient ancestral landscapes such as sčəg$^{w}$aliču/Sequalitchew:

> Natural resources such as water, clay, native plants, and indigenous wildlife form the basis for the ceremonies, rituals, history, and everyday activities that characterize [our] traditional culture. Our concern is that the destruction of these precious resources will jeopardize the instructional process we use to pass on traditional knowledge to younger generations and to help maintain the order of existence. For example, traditional elders educate younger tribal members about their culture by seeking a guardian spirit in the vast expanse of an old-growth forest, gathering plants and preparing medicine, and explaining the role of such entities as water and animals in our life. These practices are threatened because the forest is dwindling, the plants are dying, and few people respect our beliefs about such entities as water and animals [Pavel, Miller, and Pavel 1997:54].

In the face of burgeoning global ecological crises and the continuing structural genocide of Settler colonialism, the choice for many Indigenous peoples is clear:

> This is precisely the time when Indigenous people must vigorously maintain, resume, and defend the sustainable ways of being that allowed our ancestors to exist on the same lands over thousands of years. In today's context, for those of us who have faced disconnection, it is crucial that we re-institute land practices that re-connect us with our lands, that direct us back to our food sources, and that allow us to actively protect and defend the remaining integrity of our homelands as well as take action to restore lost integrity [Waziyatawin 2012:74].

This is not a call for a return to an idealized and static pre-colonial Indigenous identity. Place-based teachings have always changed and adapted as the landscapes from which they arise are in constant flux. Nowhere on earth are these forces of transformation so ever-present as within the

Coast Salish world. As I typed these last pages, I received a telephone call from salətʼuṗkʷ Leonard Squally's youngest sister who let me know that my dear friend and Elder or, as he refers to himself, my partner Chris' "husband-in-law," was hospitalized yesterday. I type these last words through tears knowing that he will be leaving this world soon, as he has been plagued with serious health issues more and more frequently these past few months.

salətʼuṗkʷ was advised some time ago by a fellow Seowin practitioner that he should step back from this work because it was affecting his health in many ways. He's angry, and bitter, and convinced, as am I, that the Tribe will allow a vast portion of the sacred and sentient ancestral village landscape of sčəgʷaliču/Sequalitchew to be devastated by mining and development. He has told me that he wants the entire City of DuPont torn down to the ground: "Tear it the hell out of there! Take it all down!" (salətʼuṗkʷ Leonard Squally, personal communication 2011). I wish that I could give him that gift before he leaves this life. He believes that someday soon, people's choices and actions will catch up with them and they will suffer tremendous consequences for the desecrations that they have permitted and in which sqʷaliʔabs/Nisqually people have participated. He has little hope that people will ever return to the teachings as a *community*.

I know for myself the power of reconnecting with ancestral place-based teachings, having begun the journey myself over these last five years and struggling to overcome the deep shame and self-doubt that comes from having inherited over three centuries of disconnection from my own people, my mother's people. I am grateful for having been blessed to have teachings of the Pikuni/Blackfeet peoples shared with me and from which I continue to draw strength. I am forever indebted to the family of the House of Sla'nay for keeping my spirit fed so far from my homelands, my own teachings. I say from experience that while these beautiful living teachings have contributed much to my own healing, there is no greater healing, no greater strength, than

that which comes from learning to live in relationship with one's own ancestral sentient landscapes under the guidance of the people who are living these ancient place-based teachings themselves. I have also witnessed with my own eyes the great power of Seowin and the healing that it brings to peoples' lives. I took time away from this work after receiving that phone call from salətˀuɬkʷˀ's sister. I needed to see him; to hug him; to let him know that the work is coming to a close. The very first words out of his mouth when I walked into his home were, "Help me sing my song." It is my prayer that salətˀuɬkʷˀ Leonard Squally will not be the last sqʷaliʔabs/Nisqually person to recover the breath of life that remains emplaced in these lands and waters, waiting for the people to remember their responsibilities.

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**From:** Susie Bell, APRN, FNP-BC <silverbulletantiaging@gmail.com>
**Sent:** Friday, June 27, 2025 3:21 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

📧 TO: bkincaid@dupontwa.gov
📋 SUBJECT: OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:

• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs

• Vashon Aquifer levels dropping 8+ feet permanently

• Multiple wetlands losing 1-3 feet of water forever

• Creek temperatures getting too hot for fish survival

• Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan "would likely NOT mitigate these impacts."

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

• Failure to properly identify tribal cultural resources

• Violation of tribal consultation requirements

• No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had

OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)

• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,
Susie Bell
1613 Palisade Blvd
509-300-8184

**From:** Maia Bellon <mbellon@cascadialaw.com>
**Sent:** Wednesday, June 25, 2025 12:04 PM
**To:** Barbara Kincaid
**Cc:** Alexander M. Wu; Steve Roos; beach.brad@nisqually-nsn.gov; Gordon Karg; Louis Russell; Steve Parkinson; Phil Olbrechts; Nate Cushman
**Subject:** Nisqually Tribe's Additional Public Comment
**Attachments:** Nisqually Public Comment_2024 06 25.pdf

Dear Ms. Kincaid:

Attached please find additional public comment from the Nisqually Indian Tribe on the Pioneer Aggregates South Parcel Mine Expansion Project (City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021-002 (SEPA)).

Please do not hesitate to let me know if you have any questions.

**Maia D. Bellon**
Cascadia Law Group

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June 25, 2025

Barbara Kincaid
Public Services Director
City of DuPont
1700 Civic Drive
DuPont, WA 98327

RE: Public Comments on Pioneer Aggregates South Parcel Mine Expansion Project
City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021-002 (SEPA)

Dear Ms. Kincaid:

Thank you for extending the public comment period for the above-referenced land-use applications. The Tribe wishes to supplement the public comments it submitted on June 20, 2025. As we noted previously, CalPortland must demonstrate conformity between the project and the Comprehensive Plan. DuPont Municipal Code (DMC) 25.175.050(5). This includes, among other requirements, that the project application "[e]ncourage protection and preservation of cultural resources." CR-1.2, City of DuPont, 2015 Comprehensive Plan, pp. 103-04. In addition to the reasons we previously identified, we wish to emphasize that the proposed mine expansion's impacts *outside* the project area will adversely affect the Tribe's cultural resources. These will include significant adverse impacts to kettle lakes and wetlands outside the "South Parcel." As articulated in the public comment from Tribal Chairman E. Ken Choke, these water bodies are of profound spiritual significance to the Nisqually Tribe and its members.[1]

Thank you again for your consideration of these important issues.

Sincerely,

Maia D. Bellon
Phone: (360) 556-8809
Email: mbellon@cascadialaw.com
Office: Olympia

[1] *See* Dr. Karen Marie Capuder, Forked Tongues at Sequalitchew: A Critical Indigenist Anthropology of Place in Nisqually Territory (Ph.D. dissertation, University of Washington 2013).

Enclosure

cc: Phil Olbrechts, City of Dupont Hearing Examiner
Brad Beach, THPO, Nisqually Indian Tribe
Gordon Karg, City Attorney
Steve Roos
Alexander M. Wu

**From:** Renee Buck <rbuckccwc@gmail.com>
**Sent:** Wednesday, June 25, 2025 4:59 PM
**To:** Barbara Kincaid
**Subject:** Hearing Examiner Public Comment Pioneer Aggregates South Parcel
**Attachments:** Hearing Examiner Comments Draft PS SP.docx; FINAL_Draft_FONPA.pdf; CALPORTLAND'S SEQUALITCHEW CREEK RESTORATION PLAN (1).docx

See attached letter and the additional two documents referenced for attachemnt.

Renee Buck
Historic Village

June 25, 2025

Hearing Examiner & City of DuPont
Barb Kincade Planning

**Subject:** Pioneer Aggregates South Parcel Site Plan and Critical Areas Conditional Use Permit

Your decision to extend the written public comment period for the subject action is warranted and appreciated. There was significant information provided on the City of DuPont Staff briefing on their reasoning for the Conditional Use Permit that was not available to the public prior to the hearing despite the FEIS showing significant and perpetual degradation of surface and groundwater connections in the entire Squalitchew Creek subbasin.

In considering the FEIS had a determination of significance for the perpetual, unmitigated and irreversible impacts to groundwater surface water connections of those water bodies that the proposed dewatering will impact, I agree with the comment of Christina Manetti, Ph.D., the hearing examiner process should be continued with additional time allowed for the public to form their factual and evidence-based rebuttal to the Staff Report and many conditions provided by the city to the applicant that impact critical areas (DMC 25.105), through a Type III Critical Areas Permit.

In introduction, I provided In-person public comment on June 20, 2025 as an individual and also provided public comment to the DEIS in July 2024 as the Chair of the Chambers Clover Creek (WRIA) Watershed Council. I am a resident of the Historical Village of DuPont since August 2008 after returning from deployment to property I purchased in September 2006. I previously resided in the Historical Village 1982-1983. I have watched the area grow from the Historical DuPont, a small company town and since to the City of DuPont (CoD) it is today. I studied the history of the Squalitchew Creek watershed, environmental policy and community engagement during my Master's Degree in Leadership and Change with a specialization in Environment and Community at Antioch University Seattle in 2013-2014. Specifically, I observed the Squalitchew Creek Restoration Planning process that was facilitated by SPSSEG, reviewed environmental policy that existed at the time, and interviewed stakeholders in the process. Subsequent to that degree, I served on the Parks and Recreation Agency approximately 2015-2019 and also on the Planning Commission for the

remainder of a term that expired in December 2018 which considered the Critical Areas Ordinance and Shoreline Management Plan updates. I have participated with the CCWC since 2014 and served as chair since 2018. While in that position I represented the CCWC on the Hirst Decision response Watershed Restoration and Enhancement Plan: WRIA 12 – Chambers-Clover Watershed led by Department of Ecology. I frequently walk the trails around Edmond Marsh and Squalitchew Creek. I have also, with the Parks and Recreation department hosted the annual Moonwalk at Squalitchew Creek event. The past, present and potential future state of the Squalitchew Creek subbasin is no small issue to me.

I disagreed with the proposed conditional use permit based on the significant and perpetual degradation of the Squalitchew Creek watershed by the proposed action. The FEIS has documented the perpetual impacts to riparian habitat in the CoD and surrounding area and the associated biodiversity as well as the critical groundwater surface water connection that characterizes this area. The City of DuPont's Critical Areas Ordinance must take precedent to protect the ecological function and cannot be conditioned or mitigated (inadequately at that) away.

Much of the information used to condition the permit is based on old findings and understandings of the surface streamflow and groundwater impacts and precipitation as recorded locally from McChord Airfield. The dewatering process must be accompanied by the appropriate water rights outlined in RCW 90.03. The conditional use findings do not give appropriate consideration to the JBLM Diversion Canal Repair Project which will restore significant surface water flows to the Squalitchew Creek system [see attached FONPA from the JBLM website https://home.army.mil/lewis-mcchord/9816/5282/6771/FINAL_Draft_FONPA.pdf (attachment 1)]. These will occur without the applicant's proposed mitigation and Settlement Agreement "Squalitchew Creek Restoration Plan." Also, the decades of citizen observation of this place they live and input have not been given the weight that they deserve. See attached summary by Don Russell.

As, stated in the CCWC DEIS comment, I propose a new multi-stakeholder process to address scenarios for the possible future of the Squalitchew Creek sub-basin outside the perspective of mitigation to the dewatering of

the south parcel.  The process should protect these essential critical areas to the quality of life for DuPont citizens and the broader WRIA 12 – Chambers-Clover Creek Watershed which includes the Murray Creek/ American Lake / Squalitchew Lake / Squalitchew Creek and associated marshes not just the area considered in the Applicants DuPont groundwater model. Then, if the groundwater levels in the South Parcel can be lowered a conditional use permit of the South Parcel could be considered. As it stands, the applicants submission and the CoD staff's conditions do not sufficiently protect the critical areas that will be impacted.

Again, I request the Hearing Examiner provide additional time for the Citizens of DuPont and WRIA 12 and Environmental watch groups to be able to have time to provide their documented rebuttal and alternatives to the Conditional Use permit proposed by the City of DuPont staff and the applicant.

Best regards,
Renee Buck
301 Brandywine Ave
rbuckccwc@gmail.com

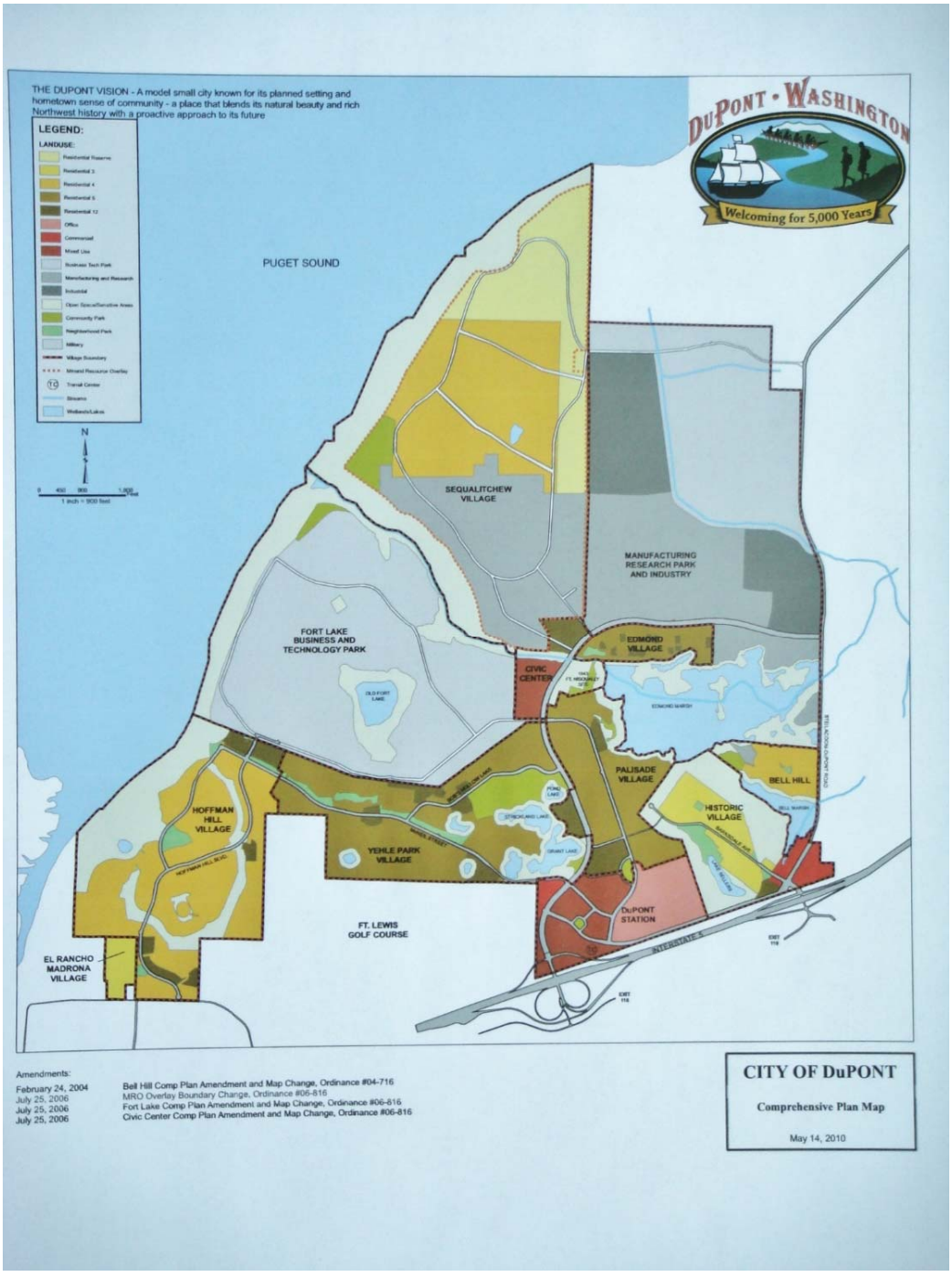
Attachments.

# CALPORTLAND'S SEQUALITCHEW CREEK RESTORATION PLAN

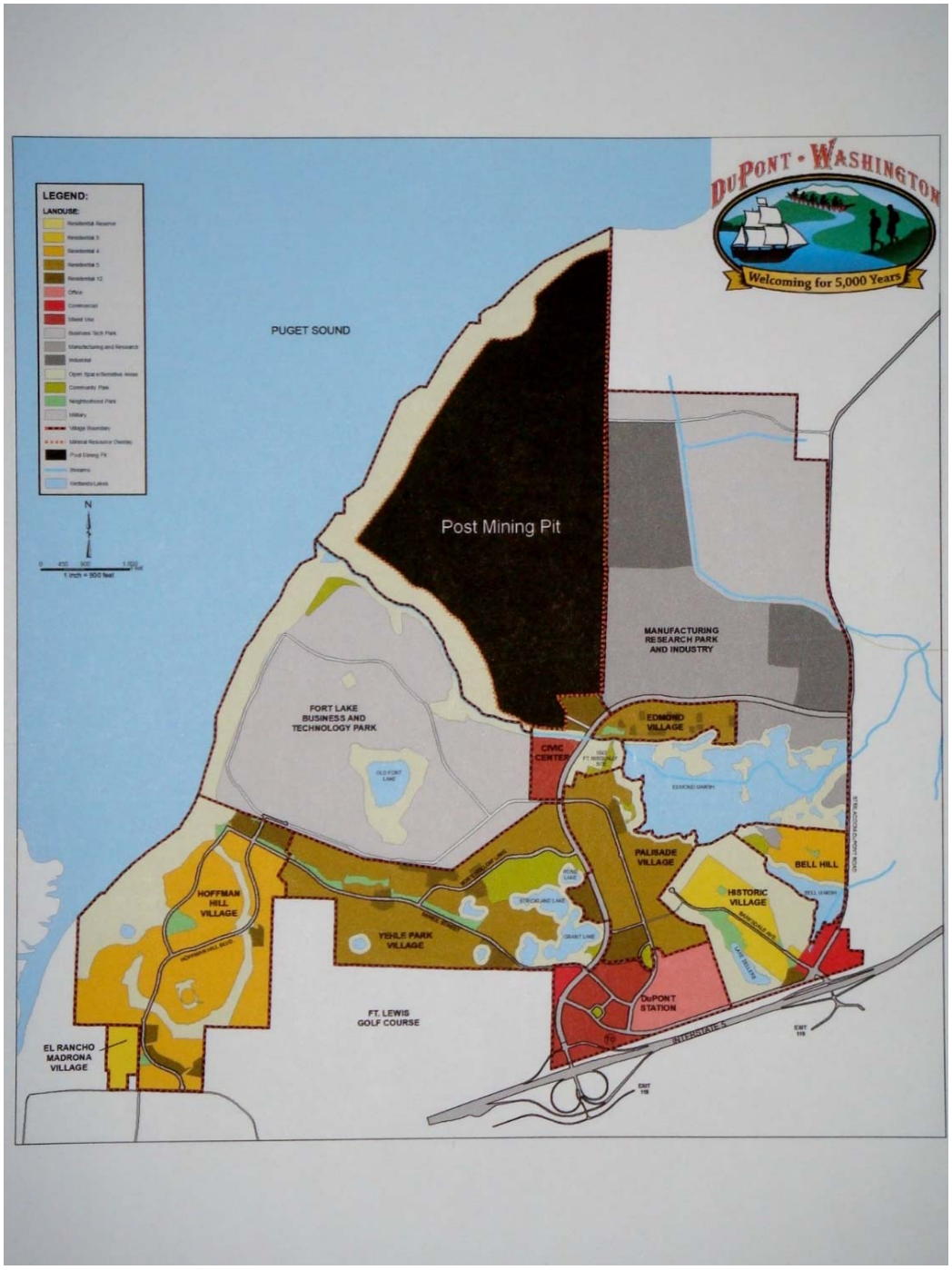
## Preface

This paper describes how Weyerhaeuser and CalPortland (under its several alias) have succeeded in manipulating events, data and people into accepting their version of the future of a once forested 700 acres of prime DuPont real estate.

## Weyerhaeuser's Vision as presented to DuPont's private property owners



**Weyerhaeuser/CalPortland's Vision of 700 acres of prime DuPont real estate**




**CalPortland's proposal for reconciling these two contrasting and contradictory visions**

In exchange for the City of DuPont issuing a conditional use permit to mine approximately 300 acres of Vashon aquifer groundwater saturated gavel contained within the footprint of its 700 acre gravel pit CalPortland has offered the City of DuPont a Sequalitchew Creek Restoration Plan that upon its implementation will render the site unfit for its intended future development.

**Origin of the Sequalitchew Creek Restoration Plan**

The CalPortland/Environmental Caucus/South Puget Sound Salmon Enhancement Group drafted Sequalitchew Creek Restoration Plan is the result of three decades of CalPortland's manipulation of events, data and people as chronicled below.

**1993 DuPont Quality-of-Life Committee Newsletter**

In June, 1993 a Neighbor to Neighbor citizen newsletter "*…dedicated to the great proposition that DuPonters have the right (and responsibility) to protect our quality-of-life and this region's historical and environmental integrity*" published an article in opposition to a proposed Weyerhaeuser/Lone Star DuPont 700 acre gravel mine.

The article is insightful since it described in detail Lone Star's (CalPortland) strategy for overcoming citizen opposition to its acquisition of a conditional use permit to mine gravel in land that it either leased or purchased in the City of DuPont under conditions that it dictated.

CalPortland's 1993 strategy was to provide DuPont's Planning Manager the necessary funding and consultants to draft a request that the City issue a conditional use permit to mine dry gravel in City designated mineral resource overlay areas and to convince the Mayor and City Council that approval of such a conditional use permit would benefit the City of DuPont. Should issuance of a conditional use permit to mine gravel be legally challenged by any outside party, i.e., citizens of DuPont or environmental advocacy group CalPortland would pay all the City's legal expenses necessary to defend the City Council's approval of issuance of a conditional use permit.

Application of this CalPortland strategy is manifest in all CalPortland manipulated events that have taken place since 1993. This strategy has been instrumental in determined the outcome of subsequent actions related to the development of the CalPortland/Environmental Caucus/South Puget Sound Salmon Enhancement Group drafted Sequalitchew Creek Restoration Plan. The Sequalitchew Creek Restoration Plan contains no relevant citizen stakeholder input.

Provisions of RCW 90.82 Watershed Planning assure that "*DuPonters have the right (and responsibility) to protect* [their] *quality-of-life and this region's historical and environmental integrity*" as codified below.

"*The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development.*" RCW 90.82.005

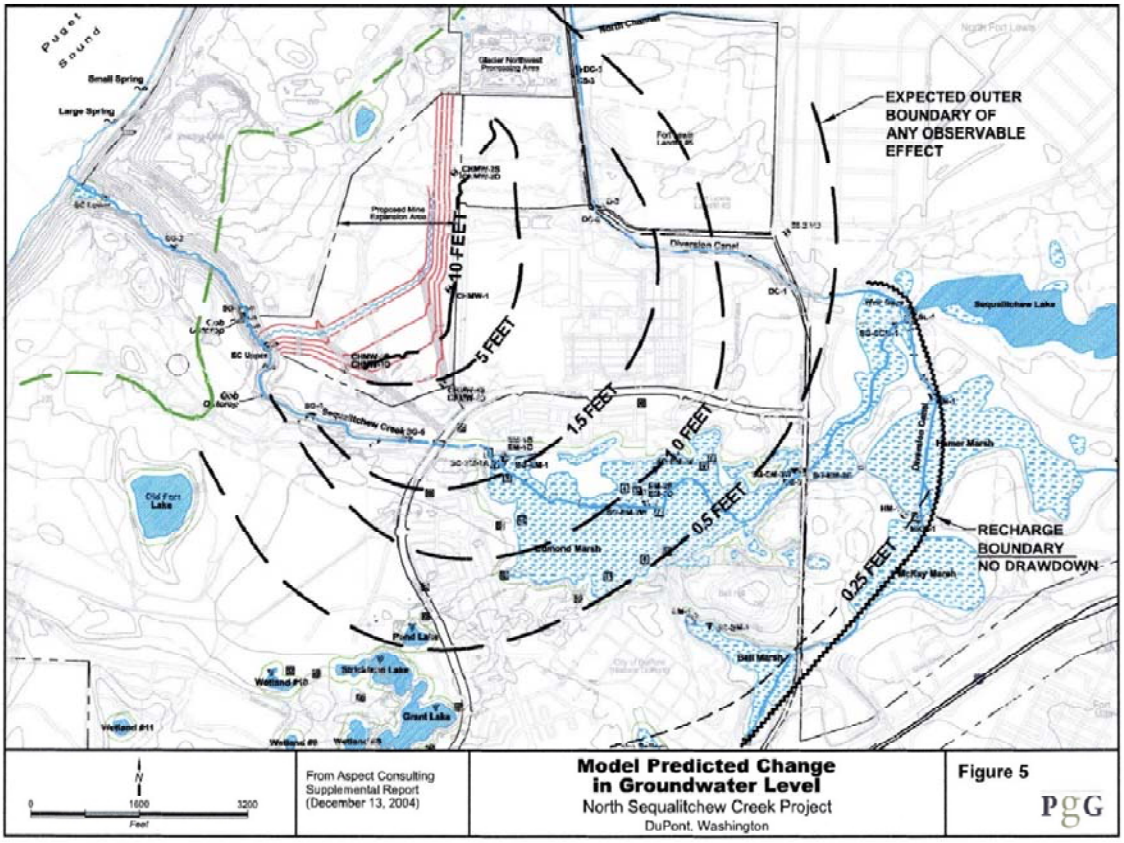
"*The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources.*" RCW 90.82.010

DuPonters have been denied "*the right (and responsibility) to protect* [their] *quality-of-life and* [DuPont's] *historical and environmental integrity*" contrary to provisions of RCW 90.82.

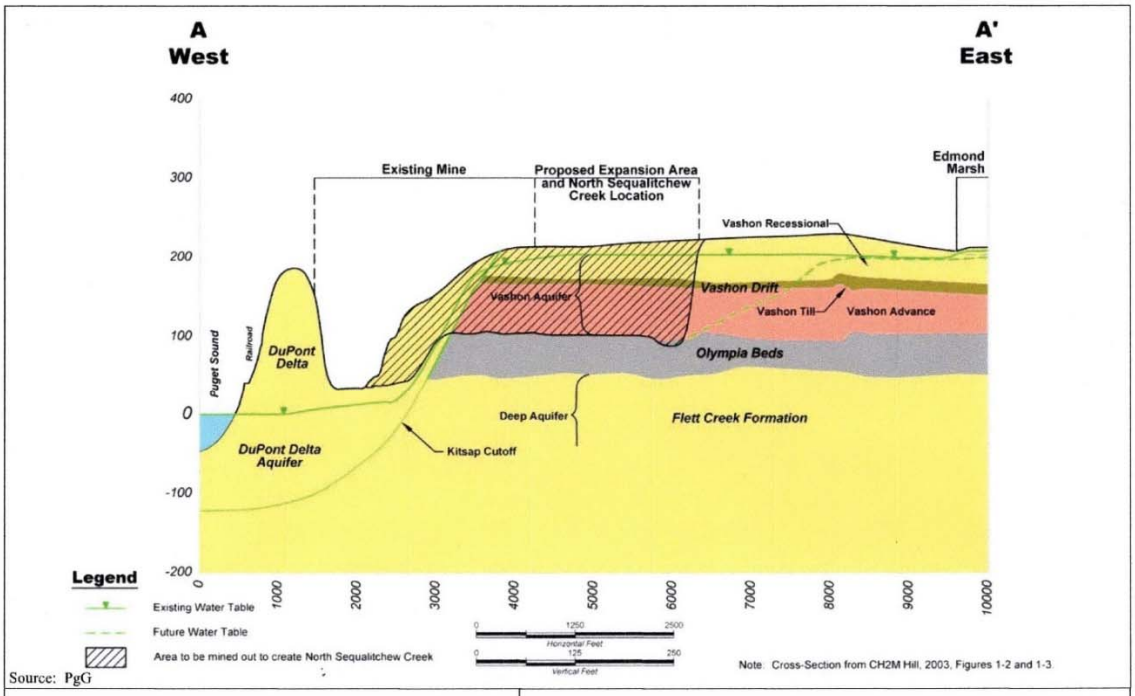
**The 1994 Settlement Agreement**

In 1994 in exchange for limited access and use of Weyerhaeuser owned land the City and several environmental advocacy groups (Environmental Caucus) entered into an Agreement that granted Lone Star (CalPortland) a conditional use permit to mine gravel in a 360 acre designated mineral resource overlay area. A key provision of that Agreement was "*WRECO and Lone Star agree to seek no permit in the future to mine…in a manner that would significantly impact the flow of Sequalitchew Creek.*"

During 2002-2006 Glacier Northwest (CalPortland) employed several consulting firms to study the hydrogeology of its existing 360-acre gravel mine and a proposed 170 acre south expansion area of its mine. The task was to come up with a plan (North Sequalitchew Creek) to access the Vashon aquifer saturated gravel that existed in 117 acres of its existing mine and in 170 acres of a leased south mine expansion area. These two areas were jointly referred to as the South Parcel.




The results of CalPortland consultants' studies are shown in the above illustration, i.e., a ground and surface water drainage ditch constructed at the base of the southeastern wall of the south mine expansion area. This in mine drainage ditch was intended to discharge its comingled groundwater and stormwater runoff through a cut in the southwestern mine wall and into lower Sequalitchew Creek. This proposal was called the North Sequalitchew Creek project.




This figure is from the Final Supplemental Environmental Impact Statement, Glacier Northwest DuPont Mining Area Expansion and North Sequalitchew Creek Project, May 1, 2007, Figure 3.4-1

**Figure 9**
**Generalized Geologic Cross Section**

553-3044-001/03(04) 1/09 (B) ai

The above illustration shows the location of the proposed in mine breached Vashon aquifer groundwater and stormwater runoff interceptor drainage ditch (aka North Sequalitchew Creek) perched upon impervious post mining exposed Olympia Bed material (center of the illustration). Note also that the post mining condition exposes impervious Olympia Bed material westward to a 25 foot drop off into the pervious bottom of the existing CalPortland DuPont mine.

**Expansion of DuPont's mineral resource overlay area**

In 2006 CalPortland persuaded the DuPont City Council to designate the entire 700 area shown in black on the second iteration of DuPont's Comprehensive Plan Map as a mineral resource overlay area. It included the South Parcel and a CalPortland owned North Parcel.

**2006-2008 The City of DuPont modifies its Comprehensive Plan**

The modification was done to reflect the expanded mineral resource overlay area and facilitate the permitting of Glacier Northwest's mining of both the South and North Parcels.

**2008 Nisqually Delta Association Intervention**

On July 16, 2008 the Nisqually Delta Association asserted that the proposed expansion of Lone Star's (CalPortland) gravel mine violated section II.B.5 of the 1994 Settlement Agreement's provision "…*not to seek any permits to mine within the shoreline jurisdiction, within 100 feet of*

*the top of the bank of Sequalitchew Creek, or in a manner that would significantly impact the flow of Sequalitchew Creek.*"

On January 4, 2009, the Nisqually Delta Association sent a Notice of Breach of the 1994 Settlement Agreement and Request for Mediation to Glacier Northwest and the City of DuPont.

**February 13, 2009 Don Russell submittal to DuPont's Hearing Examiner**

In my submittal I expressed opposition to the City's issuing a conditional use permit to Glacier Northwest for mining the South Parcel as proposed by Glacier Northwest's consultants and as conditioned by DuPont's Planning Manager on several bases.

Glacier Northwest's proposal envisioned the creation of an in mine 4000 foot long drainage ditch (aka North Sequalitchew Creek) to intercept 6.5 million gallons per day of breached Vashon aquifer groundwater discharging from the face of the steep eastern bank of the expanded South Parcel gravel mine plus any stormwater runoff from 287 acres of exposed South Parcel Olympia Bed impervious surface. This comingled discharging groundwater and polluted surface water runoff would then be conveyed through 500 feet of pipeline bored through the south wall of the mine and discharge into the Sequalitchew Creek ravine. Above this point of discharge there would be no groundwater discharge supplied base flow in Sequalitchew Creek.

I noted that execution of the proposed North Sequalitchew Creek plan would result in the elimination of Kettle Wetland and Sequalitchew Creek canyon Seep and Riparian Forest wetlands in violation of several of DuPont's sensitive areas regulations and RCW 78.44 that states "*…reclamation of mined lands is necessary to prevent or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state.*" The post mining condition of a dewatered DuPont gravel mine would be in violation of provisions of this RCW mandate.

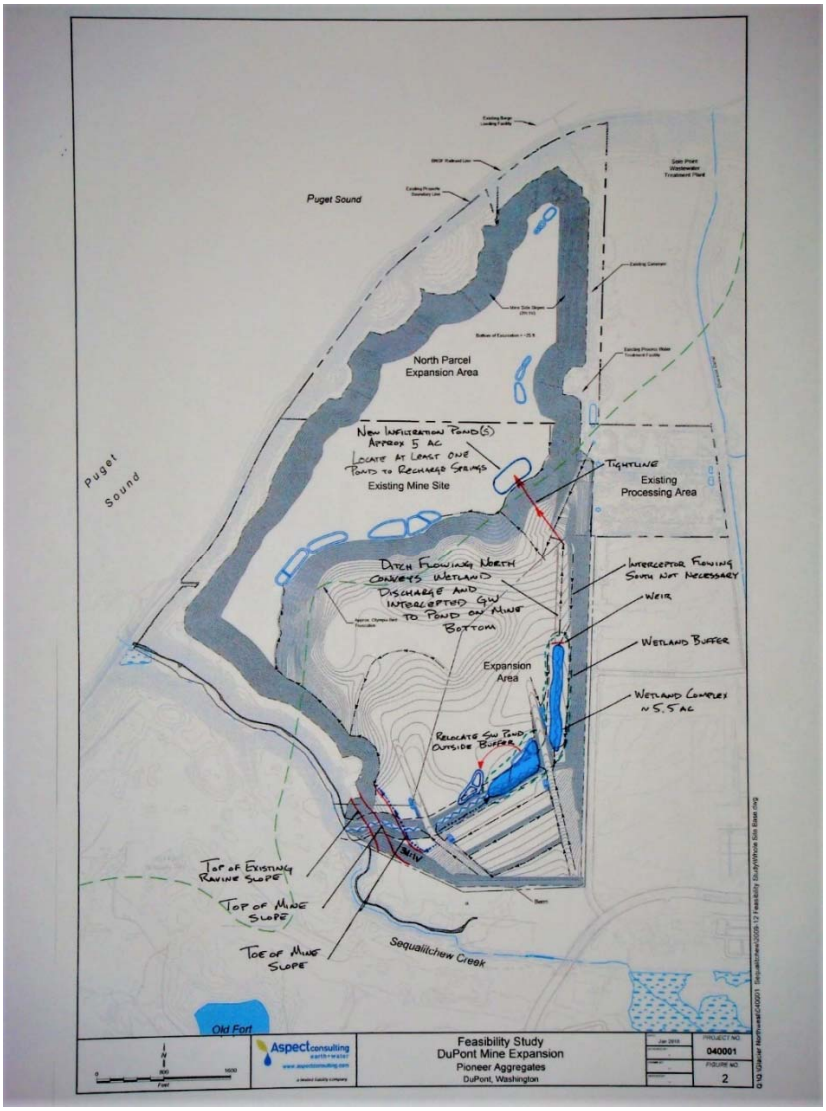
Subsequently a decision was made by the parties signatory to the 1994 Settlement Agreement to abandon the Hearing Examiner approach to resolving the dispute between the Nisqually Delta Association, Glacier Northwest (CalPortland) and the City of DuPont in favor of what became known as the Memorandum of Understanding/Feasibility Study process.

**Memorandum of Understanding/Feasibility Study process**

In 2010 CalPortland proposed that the concerned parties enter into a Memorandum of Understanding Agreement. This CalPortland drafted MOU Agreement contained the following provisions: (1) *This MOU reflects the parties understanding of the process that will be followed in an effort to avoid protracted litigation concerning the 1994 Settlement Agreement.* (2) *The purpose of the Feasibility Study will be to identify and evaluate potential alternatives for improving ecosystem functions in the Sequalitchew Creek's watershed. The parties expressly recognize that mine dewatering is one such an alternative*, and (3) *The parties will meet to develop a list of possible actions that would mitigate the potential impacts of the proposed project by improving, enhancing, or protecting ecosystem functions in the Sequalitchew Creek watershed*.

On February 2, 2010 I advised DuPont City Council to not enter into such an MOU/Feasibility Study Agreement on the basis that the CalPortland proposed North Sequalitchew Creek South Parcel mining proposal, if executed, would violate several DuPont sensitive area regulations and the post mining restoration provisions of RCW 78.44, as would any other dewatering proposal.

All of the identified and evaluated potential alternatives for improving ecosystem function in the Sequalitchew Creek watershed were fatally flawed. Nevertheless, one alternative was chosen as a result of the MOU/FS process. It was alternative 1.6 titled: Infiltrate a Portion of Dewatering and Post-mining Groundwater Discharge to Recharge Puget Sound Springs.




Derek Booth of Stillwater Sciences, consultant for the Environmental Caucus, described alternatives that proposed infiltration of dewatering water within the mine as: "*We find no basis to expect they will offer any net environmental gain and do not support their advancement.*"

I submitted a paper titled The Consequence of Dewatering the Vashon Aquifer to all parties to the MOU/FS Agreement that stated that the 1.6 alternative was more seriously flawed than was the original CalPortland proposed North Sequalitchew Creek dewatering proposal.

In September 2010 Ron Frederick requested that Mayor Jenkins form a citizen advisory group to advise the Mayor and City Council regarding growing citizen concern about CalPortland's undue influence on DuPont's Planning Manager and Hearing Examiner, the lack of application and enforcement of existing City of DuPont's sensitive area regulations, and the very limited opportunity afforded citizens to participate in the ongoing CalPortland/Environmental Caucus/City watershed planning process.

**2011 Settlement Agreement**

On June 24, 2011 Sally Toteff (DOE), Pete Stoltz (CalPortland) and Tom Skjervold (Nisqually Delta Association) announced "**Agreement reached on plan to help restore Sequalitchew Creek, allow new mining proposal."** This Agreement essentially removed most of the constraints to CalPortland's obtaining a permit to mine dry (North Parcel) and Vashon aquifer groundwater saturated gravel (South Parcel) from CalPortland's expanded (from 360 acres under provision of the 1994 Settlement Agreement to 700 acres under provisions of the 2011 Settlement Agreement) DuPont gravel mine.

I advised DuPont Council members in numerous papers (one of which was titled: Grounds for Not Approving the Settlement Agreement) and via public testimony that the City should not become a signatory to the 2011 Settlement Agreement for a variety of reasons. All of which would significantly reduce the City's ability to bargain with CalPortland for significant benefits that would accrue to DuPont's residents, private property owners, visitors, and tourists.

On January 26, 2012, the City of DuPont Council authorized Mayor Grayum to sign on behalf of the City of DuPont the CalPortland lawyer drafted 2011 Settlement Agreement.

**Sequalitchew Creek Restoration Plan**

The 2011 Settlement Agreement required that the Sequalitchew Creek Restoration Plan incorporate the below five elements (as defined by CalPortland's consultants Aspect and Anchor) in order for the Plan to be approved by CalPortland and the Environmental Caucus.

*4.1.1. Improvement of gradients so* [surface] *water discharges from Hamer and Bell Marshes flow into Edmond Marsh rather than into the diversion canal.*

*4.1.2. Improvements to create significant* [surface water] *flows from Sequalitchew Lake into the Edmond Marsh complex to support a functional creek ecosystem, and provide for the passage of migratory fish in the Sequalitchew Creek system. To achieve this goal, the Parties will consider, at minimum, modification of the diversion canal flood control structure and gradients.*

*4.1.3. Rehabilitation of Edmond Marsh by removal of sufficient fill and other flow impediments to provide the hydraulic gradients and capacity necessary to achieve and maintain adequate* [surface water] *flows through the Marsh.*

*4.1.4. Rehabilitation of Sequalitchew Creek below Edmond Marsh to reduce seepage, improve fish habitat, and help restore year-round* [surface water] *flows.*

*4.1.5. Active management of beaver activities to maintain the hydraulic gradients that provide* [surface water] *flows through Hamer, Bell, and Edmond marshes. For purposes of this section, "active management of beaver activities" means management commencing with the least intrusive method and progressing to more intrusive methods only as necessary to maintain hydraulic gradients and flows, with lethal removal utilized only as a last resort.*

The above inserted bracketed words make it clear that CalPortland incorrectly assumed that Sequalitchew Creek is a surface water driven system. It is not. It is a groundwater discharge driven system. Herein lies the fallacious foundation of the CalPortland consultant drafted Sequalitchew Creek Restoration Plan.

Unfortunately, these CalPortland consultant prescribed elements were never vetted by others to determine whether or not they were grounded in a proper characterization of the 2011 condition of the Sequalitchew Creek watershed. What existed then (on the left) and what exists now (on the right) is best illustrated by a comparison of the two below photographs. In stream flows are dependent upon shallow aquifer groundwater levels. Ground water withdrawals (dewatering) are antithetical to surface water flow in the Edmond Marsh/Sequalitchew Creek ecosystem.

CalPortland's consultants characterized the Sequalitchew Creek/Edmond Marsh complex as a surface water driven system. It is not. It was a groundwater driven system that over the years has been adversely impacted by ever declining Vahon aquifer groundwater levels and ever increasing quantities of stormwater runoff being discharged into this once pristine salmon bearing groundwater fed stream and associated wetland complex.

What CalPortland's consultants monitored during the period from 2003 up until till 2011 and upon which the Sequalitchew Creek Restoration Plan was built no longer represents the condition of the Sequalitchew Creek watershed today. The Sequalitchew Creek Restoration Plan proposed by CalPortland's consultants is not relevant to addressing today's degraded condition of Edmond Marsh and what little is left of a naturally flowing and functioning Sequalitchew Creek.

**A Relevant Sequalitchew Creek Restoration Plan**

A relevant Sequalitchew Restoration Plan would recognize that a further and permanent lowering of the Vashon aquifer groundwater level beneath the Edmond Marsh/Sequalitchew Creek complex as proposed by CalPortland's dewatering proposal is antithetical to restroration of a groundwater discharge fed salmon bearing Sequalitchew Creek flowing through an associated groundwater sustained Edmond Marsh wetland.

The elements of such a plan would be the control of the surface water levels of upgradient groundwater fed, occasionally stormwater runoff polluted, Bell, McKay and Hamer Marshes so as to provide the necessary hydraulic head to cause water contained in these marshes to infiltration into the underlying groundwater that flows subsurface (not on the surface) to discharge into lower elevation level Edmond Marsh.

To facilitate the interception of this subsurface flow of groundwater and enhance the volume of its discharge into Edmond Marsh a Sequaltichew Creek channel should be constructed (dug) all along the eastern boundary of Edmond Marsh by CalPortland. This is the proper location for constructing a discharging Vashon aquifer groundwater intercepor channel, not at the bottom of a breached Vashon aquifer groundwater discharge/stormwater runoff flooded gravel mne pit!

**Action Required**

The Mayor and City Council should start acting on behalf of the citizens of the City of DuPont that they represent instead of acceding to CalPortland's under threat of "*protracted litigation*" demands.

The proposed Sequalitchew Creek Restoration Plan offered by CalPortland is a bright and shiny bauble to attract attention away from the fact that its execution will cause permanent and irreversible environmental harm to a groundwater disconnected Edmond Marsh/Sequalitchew Creek complex and a lost opportunity for what could become a salmon bearing Sequalitchew Creek flowing through the center of the City of DuPont.

If the proposed CalPortland Sequalitchew Restoration Plan is executed not only will Edmond Marsh/Sequalitchew Creek be lost forever, DuPont private property owners will be paying to operate and maintain an in mine facility to handle 6.5 million gallons per day of discharging groundwater comingled with a like quantity of polluted stormwater runoff in an area designated by the City to become Sequalitchew Village residential and industrial area real estate.

**Conclusion**

I have written and circulated numerous papers on the proper characterization of the Edmond Marsh/Sequaltichew Creek complex, how Mother Nature intended this complex to work, how the actions of humans have impaired its natural function, almost beyond the ability to restore it, and, importantanly, how at this late date this complex can be restored as desirable salmon habitat, an aesthetic ammenity to be enjoyed by the citizens of DuPont, and a popular tourist destination.

**References**

1953 Graduate (BS) of the University of Washington School of Fisheries, high school biology teacher, chemist, 21 year Pierce Conservation District volunteer stream and lake water quality monitor, long time member of the Chambers-Clover (Sequalitchew) Creek Wateshed Council (serve on its executive committee and as its former technical director), for seven years (2008-2014) observed, photo documented, took and analysed water samples from Sequalitcheww Lake, Edmond Marsh, Sequalitchew Creek and related marshes and authored numerous papers on the condition of the Sequalitchew Creek watershed and what would be required to restore its lost beneficail uses for salmon and people.

February 13, 2009 Letter to DuPont Hearing Examiner opposing Pioneer Aggregate-Glacier Northwest Mine Expansion into 180 acres of forested land located adjacent to and southest of its existing and approved by the 1994 Settlement Agreement 360 acre DuPont gravel (aggregate) mine.

February 25, 2009 paper titled: DuPont's Approval of Glacier Nothwest's Mine Expansion. This paper properly characterized the Edmond Marsh/Sequalitchew Creek ecosystem and cited the adverse environmental impacts that permitting CalPortland to expand its mining operations into 177 acres in a south extention would do to the environment.

June 28, 2009 paper titled Why Should the City of DuPont Care? This paper asks and answers the question "Why should the City of DuPont care about CalPortland's proposal to dewater the Vashon aquifer so that it can remove aggregate in an area of the City zoned for residential and industrial use?"

December 14, 2009 paper titled An Analysis of Glacier Northwest's MOU Strategy

January 10, 2110 Letter to Dawn Masko, DuPont City Administrator raising questions about the propriety of DuPont's Land Use Administrative Practices, i.e., specifically concerns about the City's practice of severly limiting public participation in land use decisions.

February 2, 2010 paper titled In Responsed to GN's MOU Preliminary Draft Feasibility Study

February 4, 2010 paper titled Restoration of the Sequalitchew Creek Watershed

February 10, 2010 Stillwater Sciences Technical Memorandum that comments on the feasibility of each of CalPortland/Core Group's proposed dewatering alternatives. None were adequate.

May 17, 2010 paper titled The Consequence of Dewatering the Vashon Aquifer.

September 2, 2010 paper titled An Examination and Evaluation of Alternative 2.1.6 Infiltrate Stormwater and Groundwater Discharges to Recharge Puget Sound Springs. Followed by a paper titled Glacier Northwest's MOU/FS Strategy viewed in Context

October 1, 2010 Mayor Jenkins establishes a Sequalitchew Creek and Edmond Marsh Committee chaired by Ron Frederick to advise her about the environmental condition of Sequalitchew Creek and land use practices and regulations that might protect the ecosystems of Sequalitchew Creek and Edmond Marsh from irreparable damage. I respond with an October 3, 2010 letter that addresses the subject The effectiveness of mitigation vs no impact in wetlands permitted citing the six goals of the Puget Sound Partnership that would be violated if DuPont issued a permit to CalPortland to dewater the Vashon aquifer. This was followed up by a October 8, 2010 paper titled Science and CalPortland's Dewatering Proposal

October 11, 2010 Letter advising a group of concerned DuPont citizens about CalPortland's Track Record of Promises vs Its Performance. This letter concluded with the statement that: *"There is simply no mitigation that will offset the permanent adverse impacts that will occur to Edmond Marsh and Sequalitchew Creek should CalPortland be permitted to dewater the Vashon aquifer!"*

October 22, 2010 paper titled Edmond Marsh and Sequalitchew Creek Watershed. This paper was written in response to the Mayor appointed Edmond Marsh and Sequalitchew Creek Committee's quest to understand the current environmental condition of Edmond Marsh and Sequalitchew Creek and the measures needed to preserve, protect and restore their historical function and values.

November 12, 2010 paper titled Misconceptions and Clarifications. This paper was written to address certain misconceptions and clarifications about citizen and governmental agency response to CalPortland's proposed expansion of its DuPont gravel mining operations.

November 25, 2010 paper titled Origin and History of the Diversion Canal

January 11, 2011 paper titled Message to DuPont City Council and Mayor This paper described the inferior position of citizen interests vis a vis the superior position of the Mayor and City staff in determining the fate of environmental conditions in the City of DuPont, i.e., the existence of an inverted power pyramid.

March 14, 2011 DJR discovery of the source of iron pollution in West Edmond Marsh

May 15, 2011 DJR commentary on the environmental impact on Sequalitchew Creek of the construction of Creekside Village and Center Drive access road modification.

July 6, 2011 paper titled Commentary on the Settlement Agreement sent to Mayor and Council members with an attachment titled CalPortland's Promises vs Its Performance noting that CalPortland has a poor track record of fulfilling its promises as evidenced by its violation of provisions of the 1994 Settlement Agreement and DNR provisions of its mining permit.

July 8, 2011 paper titled The Untold Story Behind the Settlement Agreement

July 9, 2011 DJR refutes Ecology's claim that there will be no adverse impact on the City of DuPont's domestic water supply as a result of permitting CalPortland to dewater the Vashon aquifer.

Sometime in July 2011 the October 1, 2010 Mayor appointed Sequalitchew Creek/Edmond Marsh Committee issues its Final Report. It contained 10 Recommendations on how the City of DuPont and its citizens can work together to provide protection of its valuable natural resources.

August 2, 2011 paper titled Grounds for Not Approving the Settlement Commentary on Settlement Agreement submitted to the Mayor and City Council members.

September 2, 2011 DJR Letter to Sally Toteff (Ecology) with copies to City Council members complaining about the brief amount of time allowed five citizens to speak of their opposition to the City Council authorizing the City of DuPont Mayor to become a signatory to the 2011 Settlement Agreement.

September ?, 2011 Gendler and Mann (attorneys) letter to Mayor Jenkins and City Council stating: *"You may believe that the Settlement Agreement does not bind you to any specific course of action and that you may therefore approve it prior to your review of the SEPA analysis. This belief is wrong for at least two significant reasons. First and foremost, ask yourselves the simple questions - if the Settlement Agreement does not bind the City to any course of action, then why are you signing it? Why does CalPortland want you to sign it? The answer should be obvious -by committing itself to the Settlement, the City is giving at least the appearance of cooperation and that it will issue the future permits. Indeed, the Settlement Agreement confirms in Section 12 that "based on existing information and analysis the Governmental parties believe they can issue permits consistent with this agreement." But the City is not in "believe" that permits may be issued for this project - especially at this early date. The City owes to itself and its citizens the responsibility and duty to remain absolutely and completely neutral.*" The letter went on to state: "*The City should decline to participate in the Settlement. The City should instead follow the process set out by SEPA and its implementing regulations, and, prior to making any decisions on CalPortland's proposal, fully educate itself on the complete environmental ramifications of your decisions.*"

September 6, 2011 DJR Power Point presentation titled Hydrology and Geology of DuPont.

September 27, 2011 DJR addresses the Mayor and City Council expressing opposition to the City signing the 2011 Settlement Agreement since it would commit the City staff to support CalPortland's quest to dewater and mine the South Parcel. That address is documented in a paper titled Public Hearing Comments on the 2011 Settlement Agreement.

September 30, 2011 DJR Power Point presentation titled Commentary on Settlement Agreement

October 2, 2011 Diana Barbera Letter published in The Suburban Times bearing the title DuPont Resident opposes [2011 Settlement] agreement.

January 26, 2012 paper titled Final Comments on the 2011 Settlement Agreement citing reasons why the City Council should not authorize the Mayor to become a signatory to the 2011 Settlement. It concluded by stating: "*…the role of the DuPont City Council should be to preserve, protect, restore and enhance the wellbeing, property values and quality of life for the citizens of DuPont by not approving the 2011 Settlement Agreement which promotes the commercial interests of CalPortland whose expanded South Parcel mining activities would diminish the value of all that the citizens of DuPont cherish about their City.*"

On January 26, 2012, the City Council voted in favor of authorizing the Mayor to sign the 2011 Settlement Agreement that pledged the City to support CalPortland's 1994 to 2011 quest to obtain a permit to dewater and mine the South Parcel.

January 29, 2012 DJR submits a Letter to the Editor of The Suburban Times under the banner The Consequence of the City of DuPont Council Approving the 2011 Settlement Agreement. That article concluded with the statement: "*There is no mitigation that will offset the adverse impacts that lowering the groundwater level in DuPont to facilitate mining saturated gravel in 117 acres of CalPortland's existing mine and in 180 acres of a leased south expansion area collectively known as the South Parcel will have on the natural function of Edmond Marsh, Sequalitchew Creek, Kettle Lake (to be eliminated), Sequalitchew Creek Ravine Riparian Forest and Springs and Puget Sound Shoreline Springs all of which are dependent upon their connectivity to and continuity with Vashon aquifer groundwater.*"

What followed in subsequent years was CalPortland's consultants (Anchor and Aspect), Nisqually Delta Association (Tom Skjervold) and South Puget Sound Salmon Enhancement Group (Lance Winecka) discussions on how to implement provisions of CalPortland lawyers' crafted 2011 Settlement Agreement. These discussions were closely held, resulting in precluding any DuPont citizen and concerned watershed stakeholder input. What emerged from these discussion was the CalPortland consultant crafted Sequalitchew Creek Restoration Plan.

In 2017 I provided the City of DuPont a proposed City managed Edmond Marsh/Sequalitchew Creek restoration plan. This plan was based upon a proper characterization of the condition of the Edmond Marsh and Sequalitchew Creek ecosystem. It was titled Edmond Marsh Fact vs [CalPortland's] Fiction.

Bottom line: CalPortland's proposed Vashon aquifer dewatering interception channel should be constructed by CalPortland paralleling the eastern shoreline of Edmond Marsh and be named coho salmon friendly groundwater fed Sequalitchew Creek and its off channel associated Edmond Marsh wetlands. It should not be located at the bottom of a mined out gravel pit that is subsequently slated to be developed as Sequalitchew Village (featuring Kettle Lake) and light industrial park that does not experience, in perpetuity, continuous groundwater discharge exacerbated by intermittent stormwater runoff flooding events.

Don Russell

November 15, 2020

DEPARTMENT OF DEFENSE

**UNITED STATES ARMY**

# DRAFT FINDING OF NO PRACTICABLE ALTERNATIVE FOR JOINT BASE LEWIS-MCCHORD, WASHINGTON PROJECT FOR DIVERSION STRUCTURE REPAIRS AT LAKE SEQUALITCHEW

## 1.0 Introduction

Fort Lewis and McChord Air Force Base merged on February 1, 2010 to form Joint Base Lewis–McChord (JBLM). As a sub-installation of Fort Lewis, Yakima Training Center (YTC) was included in the merger. The Installation encompasses 413,714 acres — 90,283 acres at the main base in Pierce and Thurston Counties, and 323,431 acres at YTC in south-central Washington. Troops may train in a high desert environment at YTC, or in dense woods or conduct amphibious operations at the main base. Both locations are key to service member readiness, allowing troops to maneuver in more than 50 training areas, fire at more than 90 ranges, or shoot artillery, mortars and other munitions into multiple impact areas.

The proposed project will take place on the western side of Lake Sequalitchew. The lake is situated on the Northcentral side of JBLM in Pierce County, Washington (WA) located just 1.6 miles from DuPont, WA. The lake is 81 acres in size and is an important fiscal and ecological asset of JBLM. Recreational activities such as fishing and hunting at Lake Sequalitchew can be accessed through Morale Welfare and Recreation (MWR) for active duty and civilians alike. The Lake feeds into the marshes found on the southwestern side, which supports the wetland's vegetation and wildlife. However, the marshes are not dependent solely on the outlet of the lake, as the regions significant rainfall maintains their water levels. On the most eastern side of the lake is the Sequalitchew springs water distribution system that supplies the Installation with 90 percent of its potable water supply.

Joint Base Lewis-McChord proposes to implement a demolition and construction improvement project for diversion structure repairs at Lake Sequalitchew. The environmental impacts of the Proposed Action will be assessed through a Record of Environmental Consideration (REC) under the following Categorical Exclusions:

- *32 Code of Federal Regulations (CFR) Part 651 Appendix B, subparagraph (c)(1) Construction of an addition to an existing structure or new construction on a previously undisturbed site if the area to be disturbed has no more than 5.0 cumulative acres of new surface disturbance. This does not include construction of facilities for the transportation, distribution, use, storage, treatment, and disposal of solid waste, medical waste, and hazardous waste (REC required).*
- *32 CFR Part 651 Appendix B, subparagraph (g)(1) Routine repair and maintenance of buildings, airfields, grounds, equipment, and other facilities.*

It was determined that elements of the Proposed Action must be located within portions of the designated floodplain. Under Executive Order (EO) 11988, *Floodplain Management*, as amended by EO 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* the Army must find that there is no practicable alternative to development within the designated floodplain. Further, the Army must take all practicable measures to minimize harm to or within floodplains.

## 2.0 Notice of Floodplain Involvement

EO 11988 requires federal agencies to determine whether a proposed action would occur within a floodplain and to avoid floodplains to the maximum extent possible when there is a practicable alternative. The designated floodplain is established as required in the amended EO 11988. The Army has determined that certain facilities and infrastructure proposed in the project necessitate development in the designated floodplain on JBLM.

The project would be constructed in the designated floodplain associated with Lake Sequalitchew at JBLM (**Figures 1 through 4**). Development can impact these natural resources via the loss or degradation of their natural functional benefits such as water storage, infiltration, and filtration. These impacts extend to the intrinsic value of these resources or the benefits associated with their use, such as wildlife habitat, recreation, and aesthetic enjoyment. Floodplain functions and values are also susceptible to changes in the volume, rate, and quality of stormwater discharge, particularly as influenced by the amount of impervious surface within a watershed.

This preliminary finding incorporates the analysis and conclusions of the Lake Sequalitchew Diversion Structure Repair Project at JBLM. The notice also states that a 15-day public comment period applies to this Draft Finding of No Practicable Alternative (FONPA) in arrangement with the REC. This document will be made available for a 15-day public comment period, in accordance with EO 11514 Section (2)(b) and 32 CFR Part 651.14. Comments on the Draft FONPA may be offered either during a telephonic/online or in person public meeting. Due to the COVID-19 Pandemic, all public meeting materials will be provided at https://home.army.mil/lewis-mcchord/index.php?cID=452.

## 3.0 Description of the Proposed Action

The Proposed Action is to implement a new outlet diversion weir system at the tailwater of the triple reinforced concrete box bridge structure to restore stream flow to Sequalitchew Creek, regulate the lake level, and to prevent backwater flow from entering the spring's water distribution system. The canal-creek cross culvert pipe is to be removed, and hydraulic connectivity re-established from the canal-marsh system to the creek with a new connecting channel.

The Lake Sequalitchew area outfall structures have deteriorated over the years and require repair to restore the correct seasonal normal storm flows to Sequalitchew Creek while diverting higher storm flows to the north JBLM Stormwater Canal. The canal-creek crossover culvert system has collapsed and lost connectivity to the JBLM North Canal and to Sequalitchew Creek. The outlet diversion weir, which controls the backwater to the lake and the now disconnected conveyance system is controlled by wooden stop logs that are leaking and in dire need of replacement. Beaver dams below the lake have created cascading pool areas within the creek-canal marshes that are causing secondary backwater control to the lake. The defunct fish ladder structures are a maintenance hindrance that traps debris within the structure adding to the backwater effects to the lake.

One area of removal will include the removal of the center structure of the fish ladder, and stabilizing the lake embankment with vegetation. The other area for removal will include the canal-creek cross culverts and the area graded to provide hydraulic connectivity between the canal and the creek. The debris from these areas shall be hauled to an acceptable location per JBLM requirements.

Construction plans include three weir diversion structures; one at the proposed tail end of the triple 4-feet (ft) by 8-ft reinforced box culvert to divert higher storm flows from the lake. The second one will be just downstream from the outlet to control the backwater of the lake. The third will be placed at the existing earthen diversion berm to serve as an overflow for the canal. Each reinforced concrete structure will have approximate dimensions of 38-ft long by 7-ft high with a stop log system. Weir length opening of 20-ft will be notched into each structure with stainless steel structural channels supporting the stop log system with a lifting gate (Plastifab or equal). The structure is proposed as cast-in-place reinforced concrete. A supervisory control and data acquisition (SCADA) telemetric gage will be installed within the diversion box for controlled lake level monitoring at the outfall. This system would be part of the JLBM SCADA domestic water supply system.

The restoration of the site along with the proposed outfall diversion weir structures at the lake outlet will restore the flow of stormwater runoff, lake flow, and groundwater interflow to the creek and canal conveyance system. This is the proposed stormwater management for this project to divert the stormwater channel from the Marsh into Sequalitchew Creek. The approximate channel restoration length will be 80-ft with natural woody and/or native vegetation stabilization. Existing stormwater flow upstream of the project is assumed treated before it enters the canal. New

stormwater management facilities are not required since this project does not involve any new development or redevelopment projects.

Impacts and Mitigation Measures

The size of land disturbance that will occur for the proposed project to take place is approximately 23,000 square feet (sf) and that amount of floodplain may be subject to temporary, construction-related effects. A Stormwater Pollution Prevention Plan (SWPPP) and Environmental Protection Plan (EPP) is included with erosion and sediment control measures in accordance with PWE-633 Construction Site Stormwater Runoff Control Program and the 2019 Stormwater Management Manual for Western Washington (SWMMWW). The project is expected to improve natural water flow of the area and is unlikely to negatively impact the floodplain long term.

Following JBLM's Erosion and Sediment Control Plan, mitigation measures will be implemented for demolition and construction at the site. Also, the removal of overgrown vegetation that may lead to sedimentation and erosion of Sequalitchew Creek will be taken into account. Mitigation measures will include actions such as installing temporary channel liners, slope installations, temporary seeding of erosion controlling plants, and brush barriers. Additionally, there will be permitted areas designated for construction equipment to access the project site. These permitted areas will reduce the potential for any long lasting disturbances that could be caused to the floodplain.

EO 11988 states that if the only practicable alternative requires siting in a floodplain, the agency shall, prior to taking action, design or modify its action to minimize potential harm to or within the floodplain. Under the Proposed Action, Best Management Practices (BMPs) and Low Impact Development (LID) measures would be implemented to reduce the potential for adverse impacts on the designated floodplain and areas downstream.

Combining together, the identified BMPs, LIDs, and mitigation measures recorded in the construction plans would avoid or minimize the loss of and impacts on floodplains at JBLM. These measures represent all practicable measures to minimize harm to floodplains.

## 4.0 Finding

During development of the Proposed Action, it was determined that the project must occur within the designated floodplain due to the previous structure residing within the same space. As such, the Army has determined there are no practicable alternatives to avoiding development within the floodplain on JBLM.

Following a thorough evaluation of demolition and construction plans that would satisfy the purpose and need for Proposed Action, I find that there is no practicable alternative that would allow siting elements of the Proposed Action entirely outside of the floodplain. Therefore, the Army will ensure that all practicable measures to minimize impacts to and within the floodplain environment are incorporated into the Proposed Action.

_____ _____

Date

Ms Carla K. Coulson
Deputy Assistant Secretary of the Army
Installations, Housing & Partnerships

**Attachments:** Figure 1: Flood Insurance Rate Map (FIRM) of Project Footprint with buffer of 100-Year Floodplain

Figure 2: Existing Site Conditions

Figure 3: Detail Image Mitigation Measures

Figure 4: Detailed Image of Proposed Project Construction Plan

**Figure 1: Flood Insurance Rate Map (FIRM) of Project Footprint with buffer of 100-Year Floodplain**

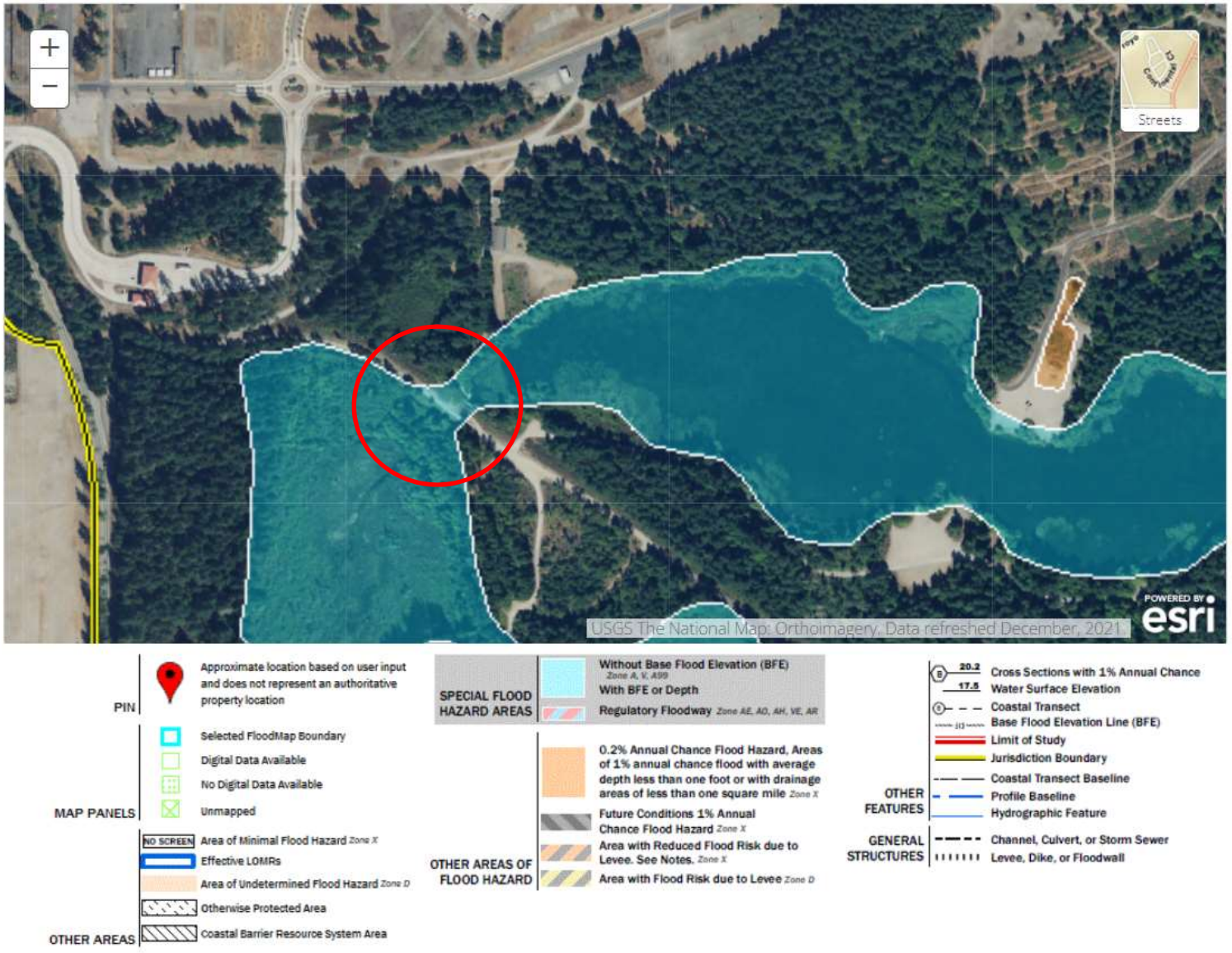


**Figure 2: Existing Site Conditions**

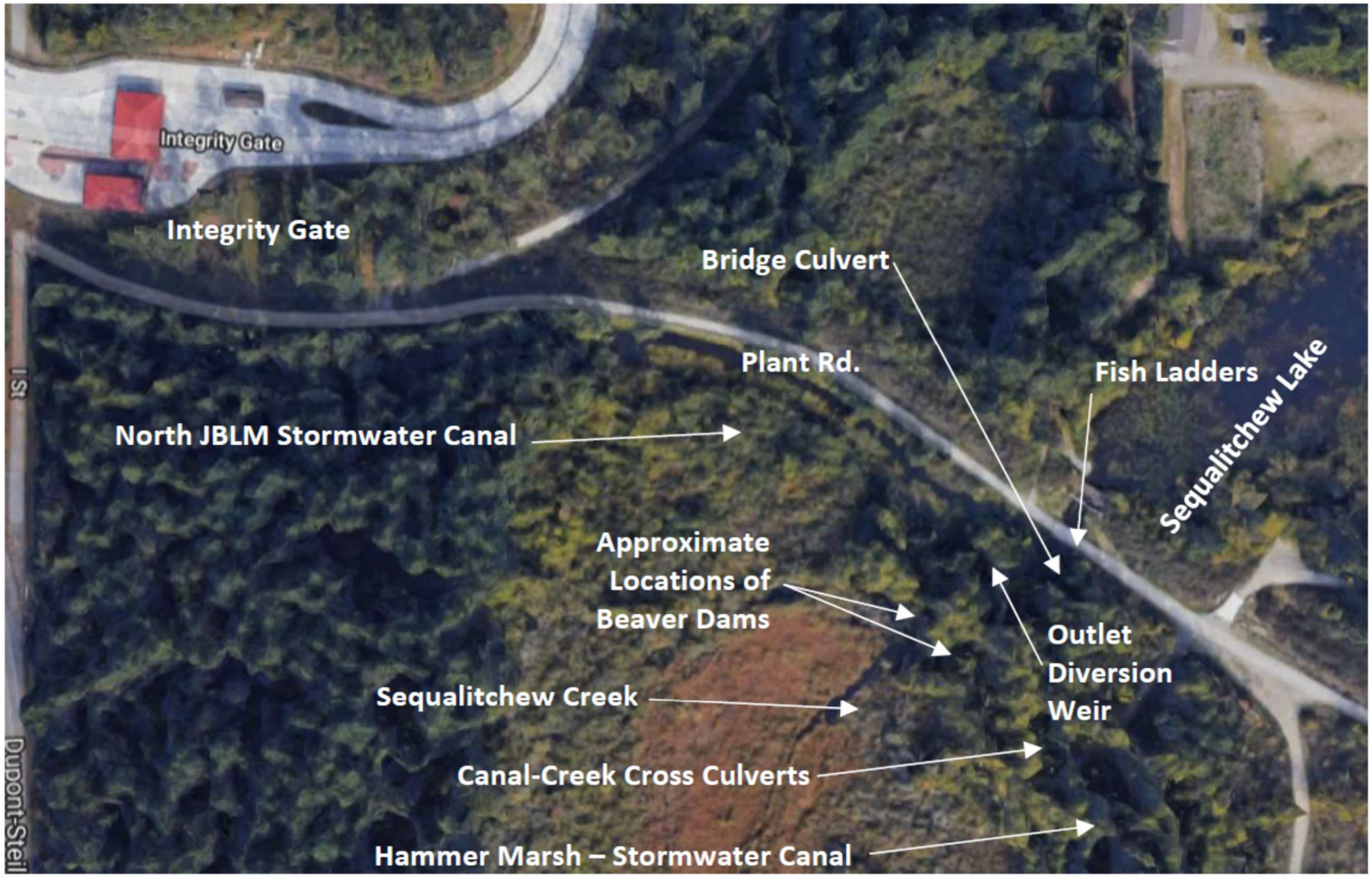


**Figure 3: Detail Image Mitigation Measures**

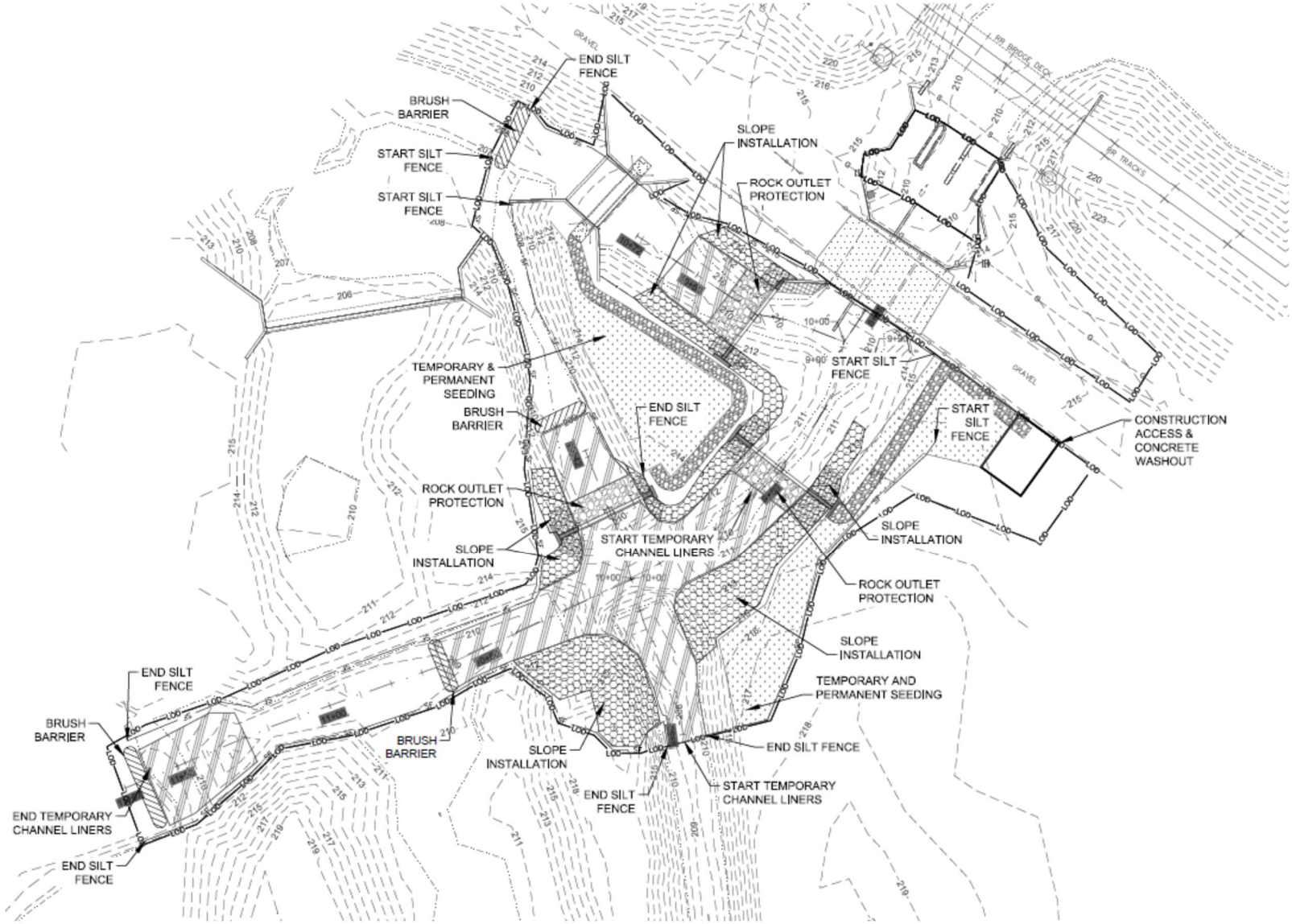
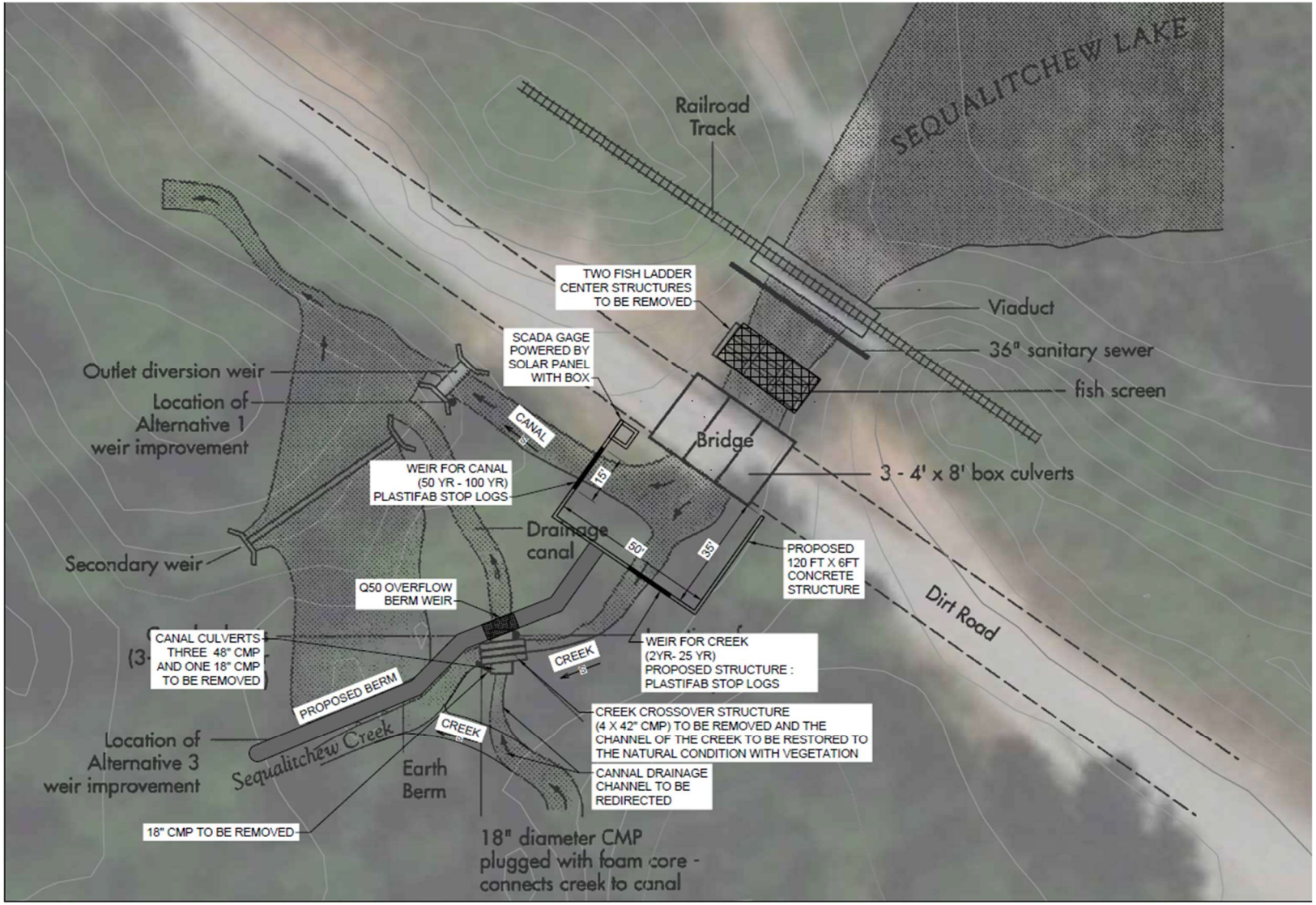


**Figure 3: Detailed Image of Proposed Project Construction Plan**



**From:** Renee Buck <rbuckccwc@gmail.com>
**Sent:** Wednesday, June 25, 2025 5:01 PM
**To:** Barbara Kincaid
**Subject:** Re: Hearing Examiner Public Comment Pioneer Aggregates South Parcel

Barb,
Please acknowledge receipt of my comment and attachments and provision to the hearing examiner.

Kind regards,
Renee Buck

On Wed, Jun 25, 2025 at 4:59 PM Renee Buck <rbuckccwc@gmail.com> wrote:

> See attached letter and the additional two documents referenced for attachemnt.
>
> Renee Buck
> Historic Village

**From:** Brad Beach <beach.brad@nisqually-nsn.gov>
**Sent:** Wednesday, June 25, 2025 7:29 AM
**To:** Barbara Kincaid
**Cc:** Annette Bullchild; Maia Bellon
**Subject:** Public Comments on Pioneer Aggregates South Parcel Mine Expansion Project: City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021- 002 (SEPA)
**Attachments:** Nettsie Comments.pdf

Good morning, Barb,

Could you please include Annette Bullchild's attached letter into the public record for the Pioneer Aggregates public comments?

Thank you,
Brad Beach, THPO
Nisqually Indian Tribe
360-456-5221 x 1277
360-528-1084

**NISQUALLY INDIAN TRIBE**
**Tribal Historic Preservation Office**
4820 She-Nah-Num Drive S.E.
Olympia, Washington 98513
360.456.5221 (main)
877.768.8886 (toll free)
www.nisqually-nsn.gov

June 24, 2025

To: Barbara Kincaid
Public Services Director
City of DuPont
1700 Civic Drive
DuPont, WA 98327

**Re: Public Comments on Pioneer Aggregates South Parcel Mine Expansion Project: City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021-002 (SEPA)**

Dear Ms. Kincaid,

The Dupont area has been important to the Nisqually Indian Tribe since time immemorial. The Nisqually Indian Tribe lived off the land of the Dupont area, the land provided everything, such as food, clothing, and shelter, the plants were a food and medicinal source.

Pre-contact, the Dupont area was a different landscape from the current conditions. There is one of the oldest shell middens that proves the Nisqually Indian Tribe's use of the area. The Nisqually Indian Tribe traded with other tribes and when Fort Nisqually was established as a trading fort by the Hudson's Bay Company the name used for the fort was from the tribe located at this area, the Nisqually Indian Tribe. The site name Sequalitchew is also from the Nisqually Indian Tribe.

What is taken or destroyed by construction, mining or any other changes to the land can never be put back to the original state of use for the Nisqually Indian Tribe. Before changes to the prairies of Dupont there were trails used by the Nisqually Indian Tribe and other visiting tribes which are now roads.

The Dupont area will continue to be important to the Nisqually Indian Tribe because of the rich cultural history for the future Nisqually Indian Tribe generations.

Sincerely,

Annette "Nettsie" Bullchild, Nisqually Tribal Member / Elder, Director of Archives
Nisqually Indian Tribe
360-456-5221 ext 1106
Bullchild.annette@nisqually-nsn.gov

**From:** Karen Burch <burchtrees1_@hotmail.com>
**Sent:** Wednesday, June 25, 2025 12:44 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

Dear Ms. Kincaid:

It has come to our attention that our city has violated Washington State Law in pushing forth the expansion of CalPortland's mining operation.

These are not only "procedural concerns", but they are also **VIOLATIONS OF WASHINGTON STATE LAW.**

These actions were taken without the knowledge and the ability to challenge the environmental impact findings that were deemed "significant damage" and changed to "minor impacts" the night before CalPortland's mine hearing without revealing the changes to the public. Not only was this underhanded, but it was illegal.

We feel betrayed and disgusted by our city leaders for engaging in these acts of deception. Listed are the following

SOURCES: 📋 **RCW 43.21C.030:**https://app.leg.wa.gov/rcw/default.aspx?cite=43.21C.030 📋

📋 **WAC 197-11-560:** https://app.leg.wa.gov/wac/default.aspx?cite=197-11-560

📋 **Citizens for Mount Vernon v. Mount Vernon:** Washington courts require proper SEPA process for environmental changes

📹 **Hearing Video Evidence:** https://www.youtube.com/watch?v=CbvmCWk_N14&t=393s

📹 **Additional Hearing Evidence:**https://www.youtube.com/watch?v=CbvmCWk_N14&t=2185s#DuPont **#SEPA#Environmental Justice**

**From:** Lauren Burlison <lauren.burlisona@yahoo.com>
**Sent:** Monday, June 23, 2025 7:08 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS

Barb,

Barb,

Since the citizens of DuPont were not notified until near the end of Friday's meeting of the change to the environmental impact from "significant impacts" to "minor impacts", I believe this is a violation of Washington State environmental laws.

No decision should be made without this change being addressed in the appropriate and legal manner as is required.

I feel that there is a lack of transparency and trust to what is happening between the City and CalPortland. Please remember you are representing the City and all of its citizens. Let all of the required information be presented to us and listen to the citizens and what we consider is important and of value to us, which is no to any additional mining.

Thank you

Lauren Burlison
Sent from Yahoo Mail for iPad

**From:** Amy Calahan <amybcalahan@gmail.com>
**Sent:** Tuesday, June 24, 2025 6:16 PM
**To:** Barbara Kincaid
**Subject:** CalPortland Mine Expansion objection

Ms. Kincaid,

I am writing you to voice my extreme opposition to the proposed CalPortland mine expansion application. My concerns echo the points made by neighbors, local jurisdictions, tribes, visitors and concerned citizens.

My family has lived in Dupont for over 10 years, and in the south sound region for over 20 years. I have taken my children, family and friends through Sequalitchew and the surrounding trails countless times. Our access to our greenspacesone is one of the major reasons we live here.

I am deeply disturbed by the extent and negative impact to our natural this project will cause if it is approved.

I understand CalPortland has had great success within their industry and are seeking to continue and expand on that success. But at what cost? When do we say enough?

Our local natural resources are becoming more precious. A high level of judiciousnes and true reluctance to develop and industrialize our resources should be applied when considering extreme high impact projects such as this.

To allow this type of permanent damage with little to no plan for mitigation or alternatives is reprehensible. It is ludicrous to me that we are considering dewatering the aquifer without consideration for the long term ramifications of that action. This will deplete the surrounding wetlands, destroy the Sequalitchew Creek riaprian area, wildlife, destroy cultural resources among countless other offenses.

We are a small town, with fewer and fewer greenspaces remaining as is. We are in danger of becoming just another freeway town eyesore with nothing remarkable other than strip malls and warehouses. That is not the version of Dupont I wish to live in.

Sequalitchew Creek, and the surrounding areas, is the jewel of Dupont and should be protected, enhanced and celebrated.

Please pass my complete objection to all related parties including the hearing examiner.

Thank you,

Amy Calahan

**From:** Brad Beach <beach.brad@nisqually-nsn.gov>
**Sent:** Wednesday, June 25, 2025 11:26 AM
**To:** Barbara Kincaid
**Cc:** Maia Bellon; Steve Parkinson; Louis Russell; Nate Cushman
**Subject:** Comment Letter from Chairman E. Ken Choke
**Attachments:** Chairman Comments.pdf

Good morning, Barb,

Please include the attached comment letter from Chairman E. Ken Choke in the project file for **City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021-002 (SEPA).**

Thank you,
Brad Beach, THPO
Nisqually Indian Tribe
360-456-5221 x 1277
360-528-1084

**NISQUALLY INDIAN TRIBE**
**Tribal Council**
4820 She-Nah-Num Drive S.E.
Olympia, Washington 98513
360.456.5221 (main)
877.768.8886 (toll free)
www.nisqually-nsn.gov

June 25, 2025

To: Barbara Kincaid
Public Services Director
City of DuPont
1700 Civic Drive
DuPont, WA 98327

**Re: Nisqually Indian Tribe Comments on Pioneer Aggregates South Parcel Mine Expansion**
**Project: City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010 (Critical Areas Permit), PLNG2021-002 (SEPA)**

Dear Ms. Kincaid,

On behalf of the Nisqually Indian Tribe, I submit this formal letter in opposition to the proposed expansion of the Pioneer Aggregates dba CalPortland gravel mine and the associated dewatering of the Vashon Aquifer.

For generations, our people have stewarded and depended upon the land and water systems now under threat. The wetlands and kettle lakes connected to the Vashon Aquifer are not only critical ecological resources, they are sacred places that hold deep spiritual and cultural significance for our Tribe. These waters, shaped by the last glaciation, are living witnesses to our history. They sustain endangered species, support native plants used in our traditional practices, and serve as places of prayer and ceremony.

The proposal to dewater the Vashon Aquifer would cause irreparable harm to these delicate ecosystems. Dewatering will lower water tables, degrade wetlands, and threaten the very existence of kettle lakes, permanently altering the hydrology and ecological integrity of the landscape. The cumulative effects of gravel mining are already visible: we have witnessed diminished flows, increased sedimentation, and the slow death of habitats our ancestors relied upon for millennia.

These impacts are not merely "environmental." The Sequalitchew Ancestral Village Landscape, a landscape recognized as a Traditional Cultural Property by the Nisqually Indian Tribe, has already been compromised by prior mining and development. The site is the location of one of Nisqually's primary villages that was occupied continuously for thousands of years prior to the arrival of Europeans. Our ancestors are buried in the very gravel that is proposed for mining. Every disturbance to this landscape further degrades our history, our stories, and our ability to pass on traditional knowledge to future generations. The Tribe also owns property adjacent to Sequalitchew Creek that will be adversely impacted by the proposed mining operation and has

interests in property within the footprint of the mine itself pursuant to agreements with Weyerhaeuser.

We urge you to deny this expansion to protect our heritage, and our future. Our Tribe stands ready to work with all stakeholders to protect the Vashon Aquifer, restore the integrity of the Sequalitchew Ancestral Village Landscape, and ensure that decisions made today do not permanently erase the living culture of our people.

We ask that this letter be entered into the public record.

Respectfully,

E. Ken Choke, Chairman
Nisqually Indian Tribe
360-456-5221 ext 1238
Choke.ken@nisqually-nsn.gov

**From:** Kelsie Clark <kelc.9009@gmail.com>
**Sent:** Tuesday, June 24, 2025 4:14 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion
**Attachments:** OPPOSE Pioneer Aggregates Mine Expansion.docx

Hello Barb,

I am submitting another letter to oppose this project as I was made aware that the original submission through Action Newworks may not have gotten through.

Thank you,
Kelsie Clark

From: Kelsie Clark

Sent: Tuesday, June 24, 2025

To: Barbara Kincaid

Subject: OPPOSE Pioneer Aggregates Mine Expansion

Attention hearing examiner,

The Pioneer Aggregates South Parcel Project would endanger and damage our City's already fragile and tormented ecosystems to a point that recovery is not possible. By allowing this project to proceed we are permanently damaging our natural environment and that of our neighbors. We are in a climate and environmental crisis, doing further harm so that a business can expand is a crime on our lands and to our future generations. These wetlands are home to many plant and animal species; they protect our homes from fire risk and give life to an expansion of surrounding ecosystems. Water is our most vital asset, if we choose not to protect it, we are setting our community and environment up for a lifetime of suffering. I am speaking from my heart and through the hearts, health and safety of our future when I urge us to deny this project.

We will not be able to recover the life lost through the deforestation, drainage of our wetlands and aquifers, and lost habitat of our natural neighbors. This was never our land to harm, yet there has been so much tragedy, so much loss. How is it ok that still today we allow further destruction? Nature will always fight back, and I would rather be with it, speaking for those who cannot use words to protect themselves, instead of abusing it in the name of corporate profit. Think about what's good, what's right, what will our future generations thank us for and what will they hate us for. What side of that line do we want to be on? We can either set an example in the name of what is right or we can be the example of failing to protect in a time of need.

There is not just one element at stake but many if we allow this project to proceed; Sequalitchew Creek elimination, Edmonds Marsh elimination, 15 acres of deforestation, 90 landmark trees removed, and an increased fire risk to name some. We have already allowed our land to be abused at the cost of warehouses, and business complexes that are left unoccupied. Why would we be so careless to allow so much more life lost? The best way to restore the land is to allow nature to do its great work. The need for building material is something that can be reinvented, there are other ways, recycled materials could be a great way to reestablish this industry. Preserving the land and water is worth more than the price of the goods that can be taken from it. I say this with confidence that this approval would create a moral and environmental deficit that is unrecoverable. We know more than we ever knew before, we are at and beyond an environmental tipping point and if we allow such crimes against nature to unfold there will be no turning back from our

mistakes.  Our willingness to cause harm to the land and burden our future generations is our responsibility to negate.

Please look over the facts and data above corporate profit and unrealistic promise.  Please think of those who can't speak for themselves and for the future vitality of our community, our environmental region, and for those who cared for this land long before western industry plagued its beautiful natural function. The future is in how we work with the land instead of tearing it apart. Our responsibility is in what we choose to do in this moment.

I first became a homeowner in DuPont because I fell in love with the trails, the natural beauty and that to me felt safe.  That's because that is what makes this area valuable, not the warehouses, businesses or homes.  The land, water, flora, and fauna are the truest form of value. Without those natural elements to protect us and bring us their gifts what do we have? How would this proposal rid of safety and create a path of harm and destruction? The detriment that draining wetlands has alone should be illegal in today's climate, that is without considering the additional environmental corruption and permanent damage in relation such as deforesting old-growth, protected forests and endangered species habitat. What about the damage this company has already accrued? Should they tend to that before promising terms that are unassured? Please OPPOSE this project, please think of the future, the priceless cultural and environmentally irreplaceable assets that are at stake and of the native people who have been stewards of this land for thousands of years. Please do not allow this cycle of torment, derogation and corruption to persist.

Thank you for your time,

Kelsie Clark

**From:** Jaren Cloud <jarencloud@gmail.com>
**Sent:** Saturday, June 21, 2025 4:31 PM
**To:** Barbara Kincaid
**Subject:** A letter in opposition to the Pioneer Aggregates Mine Expansion – PLNG2021-006

To the attention of the Hearing Examiner,

My name is Jaren Cloud. My wife Whittney and I are residents of your neighboring town, Steilacoom. Like many Washington residents, we chose to set roots here because we love and care for nature, and the creatures with which we share it.

I've recently become aware of the Pioneer Aggregates Mine Expansion project which just had its public hearing yesterday. Though I'm very new to the subject, and I'm sure many better informed folks have already spoken to you in regards to this issue, I feel compelled these days to "speak for the trees" when I might.

I've read through the details included in the letter published by The Suburban Times, which I've copied below by way of voicing my direct support for the issues raised there - particularly the questions of Tribal Sovereignty and environmental impact.

I understand "Economic Forces" run our world. I'm sure there's a great deal of money to be made on the raw materials, and I'm sure there are many other appealing benefits including job growth and enabling more aggressive development in the state. What's one more compromised ecosystem, one more encroachment on tribal sovereignty, compared to such grand momentum and potential profit?

I also know what I've personally overlooked in my life and career in the service of money and the "creation of value". I know the spiritual misalignment this created in me. I understand it now as a tragedy of our society that so few among us have the privilege of existing outside the domain of a system which codifies empathy as a weakness, and which reduces the value of a life to its net contribution to GDP.

It's unfortunate that our prevailing societal framework is so effective at minimizing the perceived severity of the harm it causes. It seems clear that this proposal will cause harm. I dream of a world where such harm is no longer accepted as an economic necessity.

Thanks for your time.
- Jaren

=======

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it “does not align with Comprehensive Plan policies” and admits “no mitigation is provided for the significant unavoidable impacts to the surface water bodies” – directly violating DMC 25.105.050 which REQUIRES mitigation “to achieve no net loss of stream function.”

Scientists in the Final EIS admit “significant unavoidable adverse impacts” including:

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• Vashon Aquifer levels dropping 8+ feet permanently
• Multiple wetlands losing 1-3 feet of water forever
• Creek temperatures getting too hot for fish survival
• Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan “would likely NOT mitigate these impacts.”

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

• Failure to properly identify tribal cultural resources
• Violation of tribal consultation requirements
• No adequate mitigation for impacts to sacred sites
• How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city’s conditional approval requires 38 conditions to “mitigate” environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)
• Requires fixing damage scientists say CANNOT be fixed?
• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

**From:** Meredyth Colotti <mcolotti7@gmail.com>
**Sent:** Saturday, June 21, 2025 10:04 AM
**To:** Barbara Kincaid
**Subject:** Oppose Pioneer Aggregates mine expansion PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

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• Demands impossible mitigation conditions?

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Sincerely,

Meredyth Colotti
1643 Burnside Place, Dupont WA

**From:** Ralph Cordero <corderologic@gmail.com>
**Sent:** Tuesday, June 24, 2025 8:56 AM
**To:** Barbara Kincaid
**Subject:** The Native American Graves Protection and Repatriation Act (NAGPRA)

We are standing on land that carries more than soil and stone — it carries 20,000 years of human history.

This South Parcel isn't just an empty field ready for excavation — it is ancestral Nisqually territory, rich in cultural legacy, home to sacred sites, and likely still the resting place of elders whose names were sung in ceremony long before the first road was paved.

Despite this, CalPortland's proposed expansion threatens to bulldoze through that legacy, in pursuit of gravel profits — with the support of a city process that seems disturbingly eager to accommodate.

Let's be clear: This isn't just a zoning issue. It's a matter of federal law.

Under the Native American Graves Protection and Repatriation Act (NAGPRA), it is a federal offense to disturb, excavate, or remove Native American human remains or sacred items without consultation and consent. That law has been in place since 1990, and it exists to prevent exactly this kind of cultural erasure.

Yet here we are — fast-tracking permits before full consultation, historically dismissing tribal appeals, and pretending this land doesn't hold sacred value.

The Nisqually Tribe has formally opposed this mining project, citing both environmental harm and the risk of desecration. Their voice should be more than a footnote — it should be the foundation of any discussion about this land's future.

If the City of DuPont and CalPortland move forward without full tribal consultation and cultural review, they are not just risking wetlands and aquifers — they are violating federal protections, and trampling over the very history this country claims to respect.

We urge the City and the Hearing Examiner to halt this proposal immediately.

You cannot pave sacred ground and call it progress.

Ralph

**From:** daniel correll <dcorr19@gmail.com>
**Sent:** Sunday, June 22, 2025 8:44 AM
**To:** Barbara Kincaid
**Cc:** daniel correll
**Subject:** Pioneer Aggregates South parcel project hearing additional comments after attending the 6/20/25 hearing

Ms. Kincaid,

My name is Daniel Correll. I am a Dupont Resident and I attended the hearing at city hall on 6/20/25. I have sent an email previously but after sitting through and listening to the many hours of testimony and report reviews I would like to add the following comments for the Hearing Examiner's review regarding my thoughts and wishes regarding the mine expansion.

1. Oregon White Oak Trees; The fact that there are trees on the site that are most likely over 750 years old and will be destroyed and removed is unacceptable. The separate permit for tree removal must be denied. The few new seedlings that Cal Portland proposes to plant will not satisfy the need for these trees in nature. There is clear law in Washington that these trees must be protected at all cost for very little exception. the profits of Cal Portland is not a valid reason to destroy them.

2. Native culture loss area, the fact that this site has been used by first nations people for thousands of years for ceremonies, settlements, trade almost guarantees that there are burial sites in this expansion area that will be disturbed and destroyed. This is unacceptable to happen only for the profits of Cal Portland.

3. Gravel needs in the area and the quality of the gravel located at this site should not be a reason to approve this expansion. The fact that the gravel is here and would be easier and cheaper for Cal Portland to get good gravel out of the ground and ship it out increasing their profit margins is no reason to permanently damage the local area.

4. removal of natural Kettle marsh/ wetland replacement with a manufactured one even if it is 1.5 times the size will lose the quality of the original natural marsh. just transporting the soil and earth from one site to the new site is not adequate. There was even testimony on Friday that the water levels may not be the same and they would have to use different types of plants that would grow in the new site if it isn't the same destroying the quality of habitat for wildlife including protected Squirrels and bats that are native to this land.

5. The "expert" witnesses were unable to state that there will not be irreparable damage to the water loss in area wetlands and water levels.

6. Loss of potential habitat for endangered bat species, just because they didn't find any endangered bat species physically at the site doesn't mean they are not there. the bat will never be there if the site goes through removing potential habitat for the protected creatures.

7. Cal Portland states that there won't be an increase in traffic because of the fact that there is a dock and it can be shipped by water. My family take our children to school on Dupont Steilacoom road to school in Steilacoom. increasing the amount of gravel coming out of their complex will add more trucks on the road increasing the risk of an accident on the road, wear and tear on the roads and bridges, traffic congestion. At the hearing there was no mention of a traffic pattern study if it was done.

8. Cal Portland explanation of raising the water temperature was poorly argued that it shouldn't matter because of the time of year and that maybe if they increase the flow of water from Ft Lewis military base the temperature increase won't matter. This is not a mitigation strategy but a grasp at straws for a way to get around killing protected fish and wildlife.

9. The Weyerhaeuser Company the owner of the properties endorsement for the mine expansion is a selfish greedy attempt to get the area "cleaned up" from the DuPont Chemical Compan's misuse of the site so they can eventually make more money on the site with more commercialisation of the land for Weyerhaeuser financial gain.

10. There will be too much noise for the nearby apartments lowering their property values unfairly. to say that yes it will be above the noise thresholds so we will not work in the area from 4:00-7:00 AM is unacceptable. so working at 3:30 AM they don't care how loud it is for the people that live that close?

11. Cal Portland only works here, my family especially my children live here in DuPont, please do not approve this mine expansion.

Sincerely,
Daniel J. Correll
1334 Foreman Rd
Dupont WA 98327
301-346-4983

**From:** Shaun Dinubilo <sdinubilo@squaxin.us>
**Sent:** Thursday, June 26, 2025 12:29 PM
**To:** Barbara Kincaid; Ronald Frederick
**Subject:** Squaxin CRD-Pioneer Aggregates South Parcel Project Nisqually THPO Support Letter
**Attachments:** Squaxin CRD-Pioneer Aggregates South Parcel Project Nisqually THPO Support Letter.odt

Mayor Frederick and Ms. Kincaid,

Please see attached letter supporting the Nisqually Tribe's Historic Preservation Office in regards to the FEIS for the Pioneer Aggregates South Parcel Project

Shaun Dinubilo
Archaeologist
FAA Certified (Section 107) sUAS Remote Pilot Cultural Resource Department Squaxin Island Tribe
200 S.E. Billy Frank Jr. Way
Shelton, WA 98584
Phone: 360-432-3998
Email: sdinubilo@squaxin.us
Office Hours: 7:30 am to 4:00 pm

Email is my preferred method of communication.

As per 43 CFR 7.18[a][1]) of the Archaeological Resource Protection Act, Section 304 of the National Historic Preservation Act, and RCW 42.56.300 of the Washington State Public Records Act-Archaeological Sites, all information concerning the location, character, and ownership of any cultural resource is exempt from public disclosure.

Subject: Cal Portland/ Pioneer Aggregates South Parcel Project

City of DuPont Mayor Ronald Fredrickson,

It has come to our attention that the City of DuPont has conducted a Final Environmental Impact Statement under the State's Environmental Policy Act. We found out about this project via an advocacy group reaching out to us. From researching this project, it was further found out that your agency started the State Environmental Policy Act (SEPA) process for this project back in 2021, however, we have no records that your agency ever consulted with our office. As you are aware, this location is within the larger Medicine Creek Treaty area. As a signatory to the Medicine Creek Treaty and an Affected Tribe due to this project, we ask, why were we never consulted? Under SEPA, you are required to consult with the Affected Tribes and allow for at least 21 days for comments as per WAC 197-11-408 for EIS scoping. The fact that this EIS continued without consulting all Affected Tribes is majorly problematic, especially when considering the incredibly sensitive nature of the project location regarding cultural resources.

From discussing this with the Nisqually Tribal Historic Preservation Officer Brad Beach, we have some major concerns regarding how the City and Cal Portland's EIS investigation did not address cumulative impacts that this project will have on the Sequalitchew Ancestral Village Landscape Traditional Cultural Property. The Squaxin Island Tribe is aware that we had a robust relationship with the Sequalitchew Village people, in fact, we know there were inter-relationships/marriages and our extended ancestors were in communication on a regular basis.

From our understanding, Cal Portland only conducted a desktop survey in this project area, which is of great concern for such a cultural resource sensitive area. Due to the City's and Cal Portland's lack of taking into consideration this sensitive landscape, cultural resource sites, and the lack of any consultation with us, we fully support the Nisqually Indian Tribe's Historic Preservation Office efforts on this project and their appeal against the EIS "findings".

Thank you

Rhonda Foster

CR Director, THPO

CR Department

Squaxin Island Tribe

200 S.E. Billy Frank Jr. Way

Shelton, WA 98584

D 360-432-3850

rfoster@squaxin.us

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Thanks,

Shaun Dinubilo

Archaeologist

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Cultural Resource Department

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**From:** Kazuko Donahue <kazuko-donahue@comcast.net>
**Sent:** Friday, June 27, 2025 4:58 PM
**To:** Barbara Kincaid
**Subject:** Oppose the Pioneer Aggregates Mine Expansion PLNG2021-006, 009, 010, 002

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion.

City File Nos: PLNG2021-006 (Site Plan Review), PLNG2021-009 (Tree Modification), PLNG2021-010(Critical Areas Permit), PLNG2021-002(SEPA) as cited by City of DuPont for the June 20, 2025 Public Hearing.

I have attended the Public Hearing for the first hours and later watched the video portion available at the YouTube. I am not a subject matter expert to criticize details presented by the City Staff. However, I learned that the City Staff had made fundamental changes to their report just before the Hearing. I also learned that the same City Staff did not discuss the changes at the Hearing. So far, I have not heard why the City Staff decided not to mention such major changes upfront. The City Staff had time, hours of presentation.

I also learned that it was the Project Applicant team that was the first party at the Hearing to discuss the changes, favorable to the Project, toward the end of the Hearing.

It's as if we read a building inspection report on a house to buy and later talk with the inspector, who doesn't discuss the major changes made to his earlier version of the report. Then, we might assume the original report still stands in overall aspects to make a decision and never wonder what happened to cause such changes, whether with or without concrete support for them, or possibly existence of influences for such major changes. On the other hand, if we are someone late in the game and only see the current version of the report only, then that's what we take it as final and we may never know that the assessment conclusion and recommendation that we see are not as definitive as they might appear.

I sincerely hope that Hearing Examiner takes into consideration the historical documentation presented by the City Staff and all other stakeholders and citizens regarding this Project Application.

And I also sincerely hope that the City Staff can see that I'm not criticizing them as individuals. I have nothing but respect for them.

In addition to the above, my reasoning of opposing the mining expansion project in question is the long-term or permanent environmental changes as stated in the Environmental Impact Statement. Especially I'm concerned with Significant, Unavoidable, Adverse impacts on the water, ground and surface, which support all the living, people, animals, and plants in our city that have been protected as natural as it can by the first people for thousands of years. If the project does not affect the environment so detrimental as this, I would not have objected. Anyone, any entity can work hard for profit, but not at the expense of other people, environment, and the future generation.

Lastly, I agree with many of what our fellow citizens spoke out as follows:

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

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How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

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- Requires fixing damage scientists say CANNOT be fixed?
- Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,

Kazuko Donahue
1966 Hammond Ave.
DuPont Washington

Kazuko-donahue@comcast.net

**From:** Kazuko Donahue <kazuko-donahue@comcast.net>
**Sent:** Friday, June 27, 2025 4:35 PM
**To:** Barbara Kincaid
**Subject:** Oppose the Pioneer Aggregates Mine Expansion PLNG2021-006, 009, 010, 002

Dear Hearing Examiner,

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Sincerely,

Kazuko Donahue
1966 Hammond Ave.
DuPont Washington

Kazuko-donahue@comcast.net

**From:** Beth Elliott <bethelliott1953@gmail.com>
**Sent:** Tuesday, June 24, 2025 1:29 PM
**To:** Barbara Kincaid
**Cc:** Beth Elliott
**Subject:** Letter to Hearing Examiner June 24
**Attachments:** hearing examiner second letter Beth.docx

Dear Barb,
Attached is my letter to the Hearing Examiner as a result of the hearing last Friday, June 20th.

Thank you for sending this along to him.

Beth

June 24, 2025

To: Barbara Kincaid

From: Beth Elliott, resident of DuPont

Subject: Letter for the Hearing Examiner

Dear Mr. Olbrect:

I was stunned at the City's bait and switch at the very last part of the hearing on Friday, June 20th. It was shocking to witness, near the end of the hearing, that the city changed its mind on the final EIS? How could this be legal?

For weeks we prepared written statements based on the final EIS where the city deemed the proposal would have significant harmful impacts from the dewatering of the Vashon Aquifer on our off-site wetlands. The city stated repeatedly that there would be net loss to the function of the off site wetlands due to the drawdown of groundwater and no mitigation was provided by the applicant to rectify the harmful impact. This was a violation of our CAO and our Comprehensive Plan as was repeatedly stated by city staff at the hearing.

The city also stated that even with the mitigation to Sequalitchew Creek, through the proposed Restoration Plan, the creek would go dry 10% of the time during the summer months. This is also a violation of the No Net Loss policy in the CAO.

How was it legal for the city to flip flop at the end of the hearing without providing notice to the public of this significant change? The community had no opportunity to address this egregious change in direction. We have no idea why this change was made at the last minute.

As our Hearing Examiner how can you make a decision when the final EIS, which took months and months to prepare, says significant impacts would be made to the off-site wetlands and no mitigation was provided to alleviate the damage, suddenly make a decision on information that was provided at the hearing that reverses that the conclusion of the EIS? The impacts went from significant impacts would be made to our environment to minor impacts. How can this happen overnight and how can you decide on this sudden change?

I ask that you dismiss this proposal. This was clearly a procedural violation and a violation of SEPA.

Thank you,
Beth Elliott
DuPont Resident

**From:** Derek Ems <derekems@gmail.com>
**Sent:** Friday, June 27, 2025 1:17 PM
**To:** Barbara Kincaid
**Subject:** Sequalitchew trail

I would like to express my opposition to the mine expansion that would threaten the Sequalitchew Creek trail. This trail has been very meaningful for my family since relocating to DuPont, and the natural spaces like this one are an important factor in our choice to stay in DuPont permanently. Please do not proceed with the mine expansion.

Derek Emswiler

**From:** Jennifer Emswiler <jennifer.emswiler@yahoo.com>
**Sent:** Friday, June 27, 2025 5:04 PM
**To:** Barbara Kincaid
**Subject:** Pioneer Aggregates Parcel Mine Expansion comments
**Attachments:** Dear Hearing Examiner.docx

Please see my attached letter opposing the Calportland Pioneer Aggregates Parcel Mine Expansion.

Thank you for your time,

Jennifer Emswiler

Dear Hearing Examiner,

As a resident, homeowner, and parent of two young kids whom all love our town and the Sequalitchew trail, I passionately oppose The Pioneer Aggregates Parcel Mine Expansion (PLNG2021-006).

Below is a list of the comprehensive reasons why I oppose this expansion:

- 83% creek flow loss along the Sequalitchew Creek Trail from drying up natural seeps and springs. This alone will cause major disruptions to the local ecosystem which includes loss of habitat for many vulnerable wildlife. (Including but not limited to some of our local and protected bat species).
- Vashon Aquifer levels dropping 8+ feet permanently. This threatens our water supply with unsustainable water, and is an additional threat environmentally.
- Multiple wetlands losing 1-3 feet of water forever.
- Creek temperatures will rise causing more irreversible environmental impacts.

After hearing the plan to attempt to mitigate these impacts, I see many red flags to their responses. What evidence can Calportland provide to assure their success rate? How can we confidently move forward with a promise of something that may or may not work? Is there a contingency plan for if their mitigation fails or more damage than anticipated is done?

These questions bring me to another major area of concern, and that is the lack of respect for the Nisqually Indian Tribe and the ways that this expansion could significantly impact their land. This sovereign nation is also in opposition and has not approved of any of the actions of the Pioneer Aggregates Parcel Mine Expansion, especially since they haven't signed the 2011 Settlement agreement. Their rights are federally protected, so moving forward without their explicit and written consent is a violation of those rights. They also have concerns over the mitigation plan that has been claimed.

With these concerns I ask you, as a parent, a professional, a resident, and a fellow human, please do not approve this project.

Thank you for your time.

Jennifer Emswiler
3182 Hoffman Hill Blvd
Dupont, WA, 98327

**From:** Anna Marie Etzkorn <annaetz@yahoo.com>
**Sent:** Friday, June 27, 2025 5:02 PM
**To:** Barbara Kincaid
**Subject:** Citizen comment about gravel mine expansion proposal

I am writing on behalf of my family of 5, residing in the Palisade neighborhood, to express our strong opposition to the expansion of the gravel mine adjacent to DuPont. Our family moved to DuPont 8 years ago, and we currently have no intention to move because we treasure our town's current structure so much. When searching for a home eight years ago, we stumbled upon DuPont, and we immediately grew to love the proximity to preserved natural spaces. Indeed, DuPont seemed like nothing remotely matched by other towns in a 25+ mile vicinity. I am always quick to brag about how our town was developed with intention and useful city planning.

The possibility of a mine expansion and its inevitable effect on the surrounding wetlands and Sequalitchew Creek basin now has me fearful that the things I treasure about DuPont will no longer exist once all my children have grown into adulthood. The proposed mitigation plans are ambitious and seek to limit the surrounding effects, but they are not foolproof methods. Should an unexpected result occur in the initial mitigation plans, the company would not be able to restore the land to what it was. At best, they'd only be able to slow the rate of environmental destruction and damage.

I ardently hope that the mine will not be granted expansion rights. There are zero benefits to townspeople if the mine expands. I do hope that my voice and opposition can make a difference in this complicated process.

Sincerely,
Anna Marie Etzkorn
1198 Aldrich Place
DuPont WA 98327
253-229-5997

**From:** Kari Gallagher <bailey72499@yahoo.com>
**Sent:** Wednesday, June 25, 2025 2:57 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING CalPortland Mine Expansion PLNG2021-006

Ms. Kincaid, please include my letter below to the hearing examiner for consideration. If you can please also confirm receipt, that would be appreciated.
Thank you,
Kari Gallagher

**********

Dear Hearing Examiner,

I am submitting comment to oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006). I was initially opposed to the mine expansion, and after attending the hearing on Friday, June 20th to become better informed, I am now in even stronger opposition.

On the most basic level, I am concerned about the environmental impact of allowing this project to proceed. It seems almost certain that there will be devastating effects to wildlife including salmon and other fish, birds, squirrels, amphibians, and more. There are innumerable trees that will be sacrificed, many of them landmark trees or trees of cultural importance that should be protected at all costs, as even the most aggressive replanting plans could not make up for their loss. The loss of water from the wetlands, stream, and aquifer, and the surrounding ripple effects could change the climate in Dupont completely and irreparably…forever.

It is my understanding that draining the aquifer will result in a loss of drinking water for the residents of DuPont. In a time when we are seeing such dramatic water shortages all over our country, I believe protecting our water supplies, no matter how small, is of utmost importance. In addition, I heard no reassurances about how the land would be affected by the draining – it didn't seem that there was any level of certainty or protections in place to ensure that changes in the soil/land would not have a negative effect on the surrounding sewer/water systems.

On an emotional and personal level, I think the changes to our wetlands, forests, and Sequalitchew Creek would be an incredible loss from which DuPont would never fully recover. Being a military family, the nature and beauty of DuPont was what drew our family to live here the first time. And it was most definitely a huge factor in our return to live here in retirement. We have experienced so much in nearly 3 decades of the military; what DuPont has is truly unique. Our kids were lucky enough to be educated by this land – what better place to learn about the life cycle of salmon and the history of the Nisqually Tribe? We have been fortunate to bring family and friends to experience the best that Puget Sound has to offer, with a simple hike down our trail. Our whole family has been the beneficiary of the clean air and beauty while doing physical activities such as PT for the Army, XC for middle school, and training for marathons. This land helps people keep their minds and bodies healthy and happy! I heard testimony of this at the hearing, and I know so many other residents of DuPont who have come here and stayed for the same reasons.

I listened carefully to the staff report, the CalPortland presentation, and the testimonies at the hearing. I did not hear anything in the environmental statements, mitigation plans, or questions posed to the experts on hand that allayed any of my worries about this project. In fact, it was quite the opposite. I heard the phrases “significant unavoidable adverse impacts” and “no mitigation is provided” repeatedly. There were multiple questions about “no net water loss”, which in my view were never adequately answered. It actually seemed like the staff and/or experts were overall nervous to make any concrete statements about environmental impacts and mitigations. It felt like perhaps it might not be just that they didn’t know or couldn’t predict or estimate an answer, but maybe they were hesitant because they didn’t want to provide the “wrong” answer in front of CalPortland, or a potentially inaccurate answer under oath. And then at the final hour, or should I say final minutes, there was a last minute addition of an errata sheet. The parties couldn’t even be specific as to when it was added (the night before or that morning). This information seemed to change everything I had absorbed throughout the hearing – from “significant unavoidable adverse impacts" to now "minor impacts", with nothing explanatory on this major change. Several times during the hearing I found myself thinking “that doesn’t seem right” or feeling that something was off, or someone was not being entirely forthcoming. The last minute discussion of the errata sheet, when it was likely that most participants had left or were exhausted and might not notice, really cemented the bad taste in my mouth.

Beyond all that I have detailed above, I also believe this proposal must be rejected for the following reasons. It has been stated time and time again how the proposal goes against several of DuPont’s municipal codes, and does not align with our city Comprehensive Plan. Additionally, the plan appears to violate Washington State laws with regard to groundwater protection and shoreline management. And finally, while I understand that this is the subject of a future hearing, the mining proposal also looks to potentially be in violation of federal law, affecting the treaty rights of the Nisqually Tribe. Even <u>one</u> violation of the law should be enough to reject this proposal, but this

seems to be in violation of our laws at multiple levels. If the personal accounts, testimonies, and pleas of so many residents, neighbors, and friends of DuPont were not convincing enough, please deny this proposal simply based on following the laws of our land.

Thank you for your time and consideration,

Kari Gallagher

1794 McLeod Circle

DuPont, WA 98327

**From:** Melissa GALLARDO <melijo74@msn.com>
**Sent:** Friday, June 27, 2025 3:47 PM
**To:** Barbara Kincaid
**Subject:** Oppose the Pioneer Aggregate mine expansion

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:

• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs

• Vashon Aquifer levels dropping 8+ feet permanently

• Multiple wetlands losing 1-3 feet of water forever

• Creek temperatures getting too hot for fish survival

• Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan "would likely NOT mitigate these impacts."

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

• Failure to properly identify tribal cultural resources

• Violation of tribal consultation requirements

• No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)

• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,
Melissa Gallardo
3156 Hoffman Hill Blvd
DuPont, WA 98327
Melijo74@msn.com

**From:** Ruth Hansen <rhansen1008@gmail.com>
**Sent:** Friday, June 27, 2025 4:58 PM
**To:** Barbara Kincaid
**Subject:** Mine Extension

I am so frustrated and angry to learn that the environmental impacts were downgraded to “minor”. That is ridiculous. This needs to be re-evaluated by outside resources and not by other who are “in the pocket” of CalPortland.

That area is beautiful, and a natural refuge for animals, trees and plants. It also goes down to the water. After learning about the bait and switch that CalPortland did, I have even less confidence they’ll take care of the area properly. It’ll be “it’s easier to ask for forgiveness than permission”. We’ve seen other builders come into DuPont and that’s exactly what happens. Trees get disseminated, the area looks terrible, and the community gets an eyesore.

I cannot believe that area is even considered for such a thing! It is beautiful, special, for families and the community - and for the environment. Who knows what long lasting impacts will be created and what will be ruined forever. And nothing ever goes to plan. This must be stopped!

Ruth Hansen
3189 Brown Loop, DuPont WA

**From:** Cary Harlow <cebchar@gmail.com>
**Sent:** Monday, June 23, 2025 9:16 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

As citizens of DuPont, my wife and I demand that ENVIRONMENTAL LAW VIOLATIONS AT FRIDAY'S CALPORTLAND MINE EXPANSION PROPOSAL be addressed before any proposal is made.
And, may we add, that, especially in these times, to have this happen within our city government is both disheartening and disgusting.
Thank you,
Cary Harlow
Liz Harlow
2648 Arnold St.

**From:** Patty Hembree <phhembree@hotmail.com>
**Sent:** Tuesday, June 24, 2025 4:11 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:

- 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs
- Vashon Aquifer levels dropping 8+ feet permanently
- Multiple wetlands losing 1-3 feet of water forever
- Creek temperatures getting too hot for fish survival
- Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan "would likely NOT mitigate these impacts."

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

- Failure to properly identify tribal cultural resources
- Violation of tribal consultation requirements
- No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

- Violates city law (Comprehensive Plan AND Critical Area Ordinance)

- Requires fixing damage scientists say CANNOT be fixed?

- Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,
Patty Hembree
1142 Harrington Place
Phhembree@hotmail.com

**From:** ftsillhomes@aol.com
**Sent:** Wednesday, June 25, 2025 4:44 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

I demand that these procedural violations be addressed before ANY decision is made

These aren't just "procedural concerns"—they are **VIOLATIONS OF WASHINGTON STATE LAW.**

**I actually have concerns after seeing this, concerning other projects in Dupont!**

**I have personally emailed you twice before, over the last two years and you have never responded?**

**Simple questions and would have only needed a quick response.**

**This also concerns me!**

**Lisa Humphrey**

**1932 Charles St,**

**Dupont, WA 98327**

**ftsillhomes@aol.com**

**(253) 719-9976**

**Pioneer Aggregates South Parcel Project Hearing**

**From:** Lauren Jelle <celestyal_1@hotmail.com>
**Sent:** Thursday, June 26, 2025 5:33 PM
**To:** Barbara Kincaid
**Subject:** Please save the trail and watershed area

I used to live in DuPont, WA many years ago (from Dec. 2017- July 2020). I remember companies wanting to develop on the trail or next to the trail -- basically threatening to destroy the watershed, trail, and environment -- back when I lived there. I wrote letters against it then, just as I'm writing a letter against it now.

I returned to DuPont, WA this week to visit my friends and attend a wedding. Once again, I'm hearing about a mining company drawing up plans that will negatively impact the trail and watershed area.

I visited the hiking trail area while I was in town because it's a gem for DuPont. I actually traveled from DC back to WA to meet up with friends in that area, which is thousands of miles.

I do not understand why this is constantly an issue -- Why companies insist on developing/destroying this area, when the trail and surrounding area needs to be protected due to its historic and environmental significance. So many residents and their visitors love the area and treasure it. It's frankly exhausting.

Please do not approve the CalPortland mining expansion.

Thank you,

Lauren Jelle
1600 N. Oak St., Apt. 1232
Arlington, VA 22209

**From:** Kaleigh Kinsella <kaleighkinsella@yahoo.com>
**Sent:** Monday, June 23, 2025 6:58 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

Dear Hearing Examiner,

I am writing as a concerned member of the public to formally object to the procedural and legal violations that occurred during the CalPortland Mine Expansion hearing (PLNG2021-006), which appear to be in direct conflict with Washington State environmental law under SEPA.

Most alarmingly, city staff altered key environmental impact findings from "significant unavoidable adverse impacts" to "minor impacts" without public notice or documentation—changes that were only revealed at the end of the hearing by CalPortland's attorney. This eleventh-hour reversal—apparently made the night before the hearing and not disclosed to the public—violates RCW 43.21C.030, which mandates transparent public disclosure and integrity in environmental review processes.

Additionally, testimony from the city's own consultants during the hearing raised further legal red flags. In particular:

- The water consultant stated under oath that he "can't comment" on legal thresholds he was hired to evaluate.
- Other experts contradicted the findings they contributed to, despite their inclusion in the Final Environmental Impact Statement (EIS).

These contradictions and refusals to defend the scientific and legal integrity of the EIS directly violate WAC 197-11-560, which requires that a Final EIS be a truthful and reliable decision-making document.

The public deserves a transparent, lawful process. These violations are not procedural oversights—they are violations of state environmental law and undermine the public trust and the health of our local ecosystems, including Sequalitchew Creek and surrounding wetlands.

I respectfully urge that no decision be made on this proposal until these violations are thoroughly investigated and rectified. Specifically:

- The last-minute changes to impact language must be invalidated due to lack of public notice and opportunity for review.
- The Final EIS must be reassessed in light of contradictory expert testimony and lack of accountability during the hearing.
- The hearing process must be reopened or extended to ensure the public can respond to these previously undisclosed changes.

We cannot allow SEPA protections to be undermined. The outcome of this case will set a precedent for how future environmental decisions are handled in DuPont and across Washington State.

Thank you for your attention to this urgent matter.

Sincerely,

Kaleigh Kinsella

**From:** Kirk Kirkland <kirkkirkland9@gmail.com>
**Sent:** Thursday, June 26, 2025 1:51 PM
**To:** Barbara Kincaid
**Subject:** Copy of Errata Sheet and date of next hearing

**Hello Barbara**

**Could you remind me of the date of the Nisqually Tribe appeal of the Conditional Use Permit?**

**I believe it is delayed until some time in July.**

**Can you also send me a copy of the *"errata sheet"* that was handed out at the hearing.**

**I was not able to attend all the recent hearings. I've heard thatthe "errata sheet" added to record of the Permit appeal that said the FEIS was changed that said the impacts of gravel mining are now "minor".**

**Thank you**

*Kirk Kirkland*
Environmental Coalition of Pierce County
253 761 1693 | kirkkirkland9@gmail.com

**From:** Kirk Kirkland <kirkkirkland9@gmail.com>
**Sent:** Wednesday, June 25, 2025 2:22 PM
**To:** Barbara Kincaid
**Subject:** Request For Continuance of Public testimony
**Attachments:** motion request for Public hearing continuation.doc

**Subject:** **FEIS for Pioneer Aggregates South Parcel Projects**

**Date:** **June 25, 2025**

**To:** **Barbara Kincaid, City of DuPont SEPA Official, Hearing Examiner**

**From** **Environmental Coalition of Pierce County**
**3114 N Alder Street, Tacoma WA 98407**
**Kirkkirkland5@gmail.com 253 761 1693**

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Thank you for the opportunity to provide second comment ;letter on the Pioneer Aggregates South Parcel Project, City File No. SEPA2021-002. My name is Kirk Kirkland and I attended the Friday 10 am hearing and signed up to speak before many people arrived. I had an afternoon meeting so I hoped that I would be able to speak before the lunch break.

There were 72 people in the room when the hearing began. After the bathroom break, 50 people remained. After the lunch break I understand that when public speaking began there were around a dozen people left in the room.

By placing the staff report first on the agenda, 60 people were denied their right to testify on this issue. A meeting on the Staff Report should have been scheduled for another time. Not more than a summary is needed at a hearing for the public.

Such a delay in public speaking is a violation of the Appearance of Fairness Doctrine. This has become a popular practice that very effectively makes people very angry and eliminates the amount of public testimony.

In addition on Monday at the end of the meeting the city staff made a major change in the FEIS. It changed their position on Alternative One which said that mining would not cause any significant harmful impacts on the off-site wetlands from the dewatering of the Vashon Aquifer.

The city also reversed its position on the mitigation to Sequalitchew Creek, as the proposed in Restoration Plan. It said that during the summer months the creek would go dry 10% of the time. This is an unmitigated significant unavoidable impact and it is a signficant loss of creek function according to the No Net Loss policy in the city's CAO.

These changes are in violation of State law that requires a Supplemental EIS be prepared if there are substantial changes to a proposal likely to have "significant adverse environmental impacts" The preparation of an SFEIS requires "public notice and an opportunity for comment as outlined in other sections of WAC 197-11"

The FEIS has identified several Significant Unavoidable Adverse impacts, that the staff has not been able to mitigate. One of the most serious is that the mitigation proposed to return flow to Sequalitchew Creek is only "temporary". The water source comes from the aquifer and the stream flow ends when the aquifer is pumped dry and the pumping stops in 14 years.

For these reasons, I have submitted a Motion/Request for the city staff to schedule an evening meeting for the public at the end of the Conditional Use Permit proceedings. The meeting should come before the Hearing Examiner's decision.

The evening meeting will attract the most people and their meeting agenda should include only a brief summary of conditions added to the FEIS proposal.

Thank you,

*Kirk Kirkland*
Environmental Coalition of Pierce County
253 761 1693 | kirkkirkland9@gmail.com

[end 530

**Subject:** **FEIS for Pioneer Aggregates South Parcel Projects**

**Date:** **June 24, 2025**

**To:** **Barbara Kincaid, City of DuPont SEPA Official,**

**From** **Environmental Coalition of Pierce County**
**3114 N Alder Street, Tacoma WA 98407**
**Kirkkirkland5@gmail.com 253 761 1693**

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**Request for Continuance of Public Testimony and Comment on Conditional Use Permit (CUP) Pioneer Aggregates South Parcel Project, City File No. SEPA2021-002**

**Motion to hold another public hearing at the end of the Conditional Use Permit proceedings to restore the loss in opportunity to speak by at least 60 people who were not able to attend the afternoon session. In addition there was a similar loss of opportunity of people attending by zoom, particularly when the zoom video failed.**

We are writing on behalf of the Environmental Coalition of Pierce County and the Clover Creek Restoration Alliance to formally request a further opportunity for public testimony and comment regarding Conditional Use Permit application Conditional Use Permit (CUP) Pioneer Aggregates South Parcel Project, City File No. SEPA2021-002 .

This request is made in light of significant concerns regarding the conducting of a public hearing held on November 19 at 10.00 a.m. You will recall that a majority of the people who attended the 10.am meeting and who prepared to offer testimony were denied their ability to testify. While approximately 72 individuals were present and signed up to speak, just a dozen were ultimately able to provide testimony after 2 pm..

Only the Planning Department staff knows how many on zoom started the meeting and how many were able to testify. Two people with new information about an agreement with the railroad, gave up waiting on zoom after it went down and drove to the meeting to testify. Unknown is how many others also gave up before zoom link and didn't come back on Zoom.

The "Appearance of Fairness Doctrine," is a cornerstone of administrative law in Washington State. It dictates that not only must governmental bodies act fairly, but their actions must also ***appear*** fair to the public. When 16% of the people who

arrived at 10 am were unable to voice their concerns in a public forum specifically designed for that purpose, the Appearance Of Fairness Doctrine is significantly undermined, regardless of intent.

Although there was an opportunity for public comment on Monday morning, this opportunity was not offered to people who left at lunch time on Friday. The Hearing Examiner recognized that there was a serious problem and offered for a few to speak that could not return. Letting the remaining people know that Monday morning was also available, would be fair for people who left and could not attend the afternoon session.

Most important this situation potentially deprived the Hearing Examiner and other decision makers input from residents of Dupont and other people in Pierce County who have concerns with the validity of FEIS. They have data that should be considered before making a final decision.. These people were denied the public a fundamental aspect of due process.

In addition on at the last part of the public hearing on Friday, June 20th. the city changed its position on the Final EIS that was not legal under RCW 43.21C.110(1)

In the Final EIS the city deemed the Alternative 1 proposal would have significant harmful impacts from the dewatering of the Vashon Aquifer on off-site wetlands. The city stated repeatedly that there would be a net loss to the function of the off site wetlands due to the drawdown of groundwater. No mitigation was provided by the applicant to rectify the substantial impact. This was a violation of Dupont Municial Code and CAO and Comprehensive Plan.

Specifically, WAC 197-11-405(4) dictate the use of a Supplemental EIS (SEIS) is required for substantial changes or new significant information. When an SEIS is required, it generally follows the same public review and comment procedures.

These substantial changes without public review are another indication of this hearing being in violation of the Appearance of Fairness Doctrine. They require a SEIS.

Therefore, we respectfully request that the Planning Department schedule a dedicated session or a continuation of the public hearing at the conclusion of your department's review and before any final decision is made on the Conditional Use Permit. This session should specifically allow:

1. Those individuals who were unable to testify at the previous hearing to present their prepared comments and any updated feedback.
2. All interested parties to provide final feedback on any proposed changes, conditions, and mitigation measures that have been developed since the initial hearing, particularly those addressing Significant Unavoidable Adverse impacts..
3. Holding a public hearing on a weekday evening when many of the residents in Dupont and people in Pierce County are not working.

Providing this additional opportunity for public input would not only rectify the previous shortfall in public participation but also significantly enhance the perceived fairness of the decision-making process. It would demonstrate the

Planning Department's commitment to public engagement and ensure that all the community concerns are thoroughly considered. We look forward to your positive response to this motion and are available to discuss this matter further at your convenience

Sincerely,

*Kirk Kirkland*
Environmental Coalition

*Sean Arent*
Clover Creek Restoration Alliance.

**From:** Kirk Kirkland <kirkkirkland9@gmail.com>
**Sent:** Tuesday, June 24, 2025 1:50 PM
**To:** Barbara Kincaid
**Subject:** Personal request for a Continuance
**Attachments:** motion request for Public hearing continuation.doc

**For: Barbara Kincaid, City of DuPont SEPA Official**

**Date June 24, 2025**

**RE: Request for continuance of public hearing**

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Please share this Motion/Request for Continuance with the City's Hearing Examiner.

Ask him to authorize a second public hearing for the 60 people and others who were not able to speak at the first public meeting on November 19, at 10 am.

See the attached document for details

Thank you

*Kirk Kirkland*
Environmental Coalition of Pierce County
253 761 1693 | kirkkirkland9@gmail.com

**Subject:** **FEIS for Pioneer Aggregates South Parcel Projects**

**Date:** **June 24, 2025**

**To:** **Barbara Kincaid, City of DuPont SEPA Official,**

**From** **Environmental Coalition of Pierce County**
**3114 N Alder Street, Tacoma WA 98407**
**Kirkkirkland5@gmail.com 253 761 1693**

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**Request for Continuance of Public Testimony and Comment on Conditional Use Permit (CUP) Pioneer Aggregates South Parcel Project, City File No. SEPA2021-002**

**Motion to hold another public hearing at the end of the Conditional Use Permit proceedings to restore the loss in opportunity to speak by at least 60 people who were not able to attend the afternoon session. In addition there was a similar loss of opportunity of people attending by zoom, particularly when the zoom video failed.**

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This request is made in light of significant concerns regarding the conducting of a public hearing held on November 19 at 10.00 a.m. You will recall that a majority of the people who attended the 10.am meeting and who prepared to offer testimony were denied their ability to testify. While approximately 72 individuals were present and signed up to speak, just a dozen were ultimately able to provide testimony after 2 pm..

Only the Planning Department staff knows how many on zoom started the meeting and how many were able to testify. Two people with new information about an agreement with the railroad, gave up waiting on zoom after it went down and drove to the meeting to testify. Unknown is how many others also gave up before zoom link and didn't come back on Zoom.

The "Appearance of Fairness Doctrine," is a cornerstone of administrative law in Washington State. It dictates that not only must governmental bodies act fairly, but their actions must also ***appear*** fair to the public. When 16% of the people who arrived at 10 am were unable to voice their concerns in a public forum specifically designed for that purpose, the Appearance Of Fairness Doctrine is significantly undermined, regardless of intent.

Although there was an opportunity for public comment on Monday morning, this opportunity was not offered to people who left at lunch time on Friday. The Hearing Examiner recognized that there was a serious problem and offered for a few to speak that could not return. Letting the remaining people know that Monday morning was also available, would be fair for people who left and could not attend the afternoon session.

Most important this situation potentially deprived the Hearing Examiner and other decision makers input from residents of Dupont and other people in Pierce County who have concerns with the validity of FEIS. They have data that should be considered before making a final decision.. These people were denied the public a fundamental aspect of due process.

Furthermore, we understand that discussions are ongoing, and potential changes and mitigation measures are being considered to address unavoidable significant impacts, on "Edmonds Marsh, Sequalitchew Creek, areas of importance and are mentioned in City of Dupont's Comp Plan and Municipal Code.

It is imperative that the public, and the over 60 people who were unable to testify previously, have an opportunity to review the CUP and comment on the final conditions attached to the Conditional Use Permit.

Therefore, we respectfully request that the Planning Department schedule a dedicated session or a continuation of the public hearing at the conclusion of your department's review and before any final decision is made on the Conditional Use Permit. This session should specifically allow:

1. Those individuals who were unable to testify at the previous hearing to present their prepared comments and any updated feedback.
2. All interested parties to provide final feedback on any proposed changes, conditions, or mitigation measures that have been developed since the initial hearing, particularly those addressing Significant Unavoidable Adverse impacts..
3. Holding a public hearing on a weekday evening when many of the residents in Dupont and people in Pierce County are not working.

Providing this additional opportunity for public input would not only rectify the previous shortfall in public participation but also significantly enhance the perceived fairness of the decision-making process. It would demonstrate the Planning Department's commitment to public engagement and ensure that all the community concerns are thoroughly considered. We look forward to your positive response to this motion and are available to discuss this matter further at your convenience

Sincerely,

*Kirk Kirkland*
Environmental Coalition

*Sean Arent*
Clover Creek Restoration Alliance.

**From:** Brier K <brierkit@gmail.com>
**Sent:** Friday, June 27, 2025 4:18 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:

• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs

• Vashon Aquifer levels dropping 8+ feet permanently

• Multiple wetlands losing 1-3 feet of water forever

• Creek temperatures getting too hot for fish survival

• Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan "would likely NOT mitigate these impacts."

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

• Failure to properly identify tribal cultural resources

• Violation of tribal consultation requirements

• No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)

• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,
Brier Kittlitz
DuPont resident of 20 years
Brierkit@gmail.com

**From:** Comcast Email <kittlitz@comcast.net>
**Sent:** Friday, June 27, 2025 4:23 PM
**To:** Barbara Kincaid
**Subject:** OPPOSED to Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

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How can you approve a project that:

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• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. Please DENY the approval.

Sincerely,
Heather Kittlitz
3114 Walker Rd
DuPont, WA 98327
(253) 640-0915
Kittlitz@comcast.net

**From:** Steve Kittlitz <dupontdad@gmail.com>
**Sent:** Friday, June 27, 2025 1:59 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

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How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)

• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,
Steven Kittlitz
3114 Walker Rd
DuPont, WA 98327
(253) 912-4510
Dupontdad@gmail.com

**From:** Dennis Larkin <dennis.larkin31@gmail.com>
**Sent:** Monday, June 23, 2025 8:12 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

I write to voice my strong opposition to the proposed Cal Portland Mine Expansion. I have been a citizen of DuPont since 1998. I oppose this expansion because of its environmental impact on our wetlands and the Sequalitchew Creek habitat. I oppose this expansion because of the neglect in consideration of the Nisqually Tribe historical, present and future living in this area.

I also raise concern over possible illegal acts related to changes made to environmental documentation made behind closed doors the evening prior to the hearing. I have been brought to public attention that wording in the document that is unfavorable to the expansion proposal was changed to indicate that impact would be minor rather than the finding that the impact had significant adverse impact on the environment. This concern needs to be addressed publicly and placed on record as to what exactly transpired and what corrective action has been or will be taken. This must be done prior to any vote on the expansion proposal is taken.

I also express my concern that there are differing expert opinions about the environmental impact study and its analysis.

Sincerely
Dennis Larkin 1925 Garry Oaks Ave
DuPont

**From:** Zac Lyday <zacharyjames37@gmail.com>
**Sent:** Wednesday, June 25, 2025 3:51 PM
**To:** Barbara Kincaid
**Subject:** Aggregate mine comment

Hello,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

When my family moved here in 2004 one of the draws for us was the expansive forests that we could walk through and trails to walk on. This proposed expansion will cost this town one of its defining features and draws. People from all over the Puget Sound region come to our town to walk on the Sequalitchew trail to enjoy nature and this project stands to take part of that away.

As we continued to live here another aspect we enjoyed was all the history this area has to offer. Walking the Sequalitchew trail, we could feel the history of the Nisqually tribe there. I'm afraid that with this expansion more of that history will slip away as trees that are important to the tribe would be lost.

When Weyerhaeuser first bought the land from the Dupont Company in 1976, the vice president J. R. Callahan reassured the Dupont community that much of the land would be left in its natural state. As more and more development has happened, much of the land has been altered with only certain spots remaining in their natural state. The proposed site for the expansion will take up even more of that land. I don't see why the Weyerhaeuser Family is now in support of CalPortland tearing up that land they once promised to leave alone.

I hope the this project gets denied and I urge the people behind the project to walk the trail and see what they stand to alter forever with this project and to really learn the history of that area.

Thank you
Zac Lyday

**From:** Christina Manetti <manetti.christina@gmail.com>
**Sent:** Thursday, June 26, 2025 8:24 AM
**To:** Barbara Kincaid
**Subject:** Fwd: Sequalitchew -- letter to the Hearing Examiner

Dear Ms. Kincaid,

Please confirm receipt of my letter below, which I sent to you yesterday morning at 11.24am.

Thank you very much.

Sincerely,
Christina Manetti

---------- Forwarded message ---------
From: **Christina Manetti** <manetti.christina@gmail.com>
Date: Wed, Jun 25, 2025 at 11:24 AM
Subject: Sequalitchew -- letter to the Hearing Examiner
To: Phil Olbrechts <olbrechtslaw@gmail.com>, Barbara Kincaid <bkincaid@dupontwa.gov>

Dear Mr. Olbrechts,

I am a party of record in the Sequalitchew case, and am writing to urge the Hearing Examiner to reopen or continue the hearing. This is necessary in order to provide sufficient time for the public and parties to submit material in light of issues that arose during the hearing, which were summarized in a recent *Suburban Times* article (see full article below this email).

In that article, the author, a representative of a Dupont citizens' group, writes:

*Staff Report: Environmental damage to offsite wetlands described as "significant unavoidable adverse impacts" that "likely cannot be mitigated"*

*- Morning of or Evening Before Hearing: An "errata sheet" gets added changing these impacts to "minor"*

*- During Hearing: When questioned under oath, staff claims they "can't comment on no net loss" about impacts they had calculated in detail*

*- End of Hearing: CalPortland's lawyer reveals this morning or last evening errata sheet that the public didn't know existed until now*

*This raises some serious questions about:*

*- Whether environmental conclusions can be changed via last-minute errata*
*- Why the public wasn't notified of such material changes*

- *How can sworn testimony contradict documented technical findings*

As a result, issues needing further investigation and clarification include:

1) How this highly significant change (essentially withdrawing at least part of the DS and changing it to a DNS) came about;

i.e., this would necessitate continuing the hearing until:

a) the relevant public records have been made available, including any litigation necessary for that to occur;
b) the Hearing Examiner directs the City to provide this material to the Hearing Examiner and public and provides 30 days for any comments/testimony/submittals relevant to this issue.

Alternatively, the Hearing Examiner should rule based on the record and find the changed decision as not credible or factually supported when judged against the detailed technical documentation.

After all, the City apparently did not present any testimony in support of the change. Such a change cannot overcome the previous determination based on actual scientific and technical analysis. Whether the action will have significant adverse environmental impacts that cannot be mitigated is a scientific and technical -- not political -- question.

The Hearing Examiner must make his decision based on the facts as presented and in the record, not based on politics. Therefore, he should find as a factual matter based on the record that the action will have "significant unavoidable adverse impacts" that "likely cannot be mitigated" and so deny approval.

3) Not having seen the actual "errata" document, I do not know whether the "SEPA Responsible Official" signed this. He or she should have. This essentially means that he or she has withdrawn the DS.

The City should have disclosed this abrupt change at the start of the hearing and asked for dismissal of the hearing. They should then publish notice of issuance of the new threshold determination (DNS) as required per WAC 197-11-310. That resets the clock in terms of required public and agency comment and appeal timelines.

In addition, during the hearing, a City staffer stated regarding offsite wetlands that the City wanted additional information (had a condition requiring additional information) regarding them/impacts and couldn't determine if the impacts would be significant without that information.

SEPA provides that:

197-11-080

Incomplete or unavailable information.
197-11-080

(1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents.

(2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists.

(3) Agencies may proceed in the absence of vital information as follows:
(a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but is not known, and the costs of obtaining it are exorbitant; or
(b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known;
Then the agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(4) Agencies may rely upon applicants to provide information as allowed in WAC 197-11-100.

I request that you continue or reopen this hearing, or, alternatively, rule based on the record and find the changed decision as not credible or factually supported when judged against the detailed technical documentation.

Thank you for your consideration of these very important issues.

Sincerely,

Christina Manetti, Ph.D.
Lakewood

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https://thesubtimes.com/2025/06/23/letter-environmental-findings-changed-at-calportland-mine-expansion-public-hearing-in-dupont/

# Letter: Environmental Findings Changed at CalPortland Mine Expansion Public Hearing in DuPont

June 23, 2025

**Submitted by Save Our City-DuPont**.

They City changed environmental findings the evening before or the morning of the the mine expansion public hearing.

I stayed until the end of the hearing. It ended around 3:30pm, with a shocking reveal by CalPortland's lawyer.

Here's the timeline:

- Staff Report: Environmental damage to offsite wetlands described as "significant unavoidable adverse impacts" that "likely cannot be mitigated"
- Morning of or Evening Before Hearing: An "errata sheet" gets added changing these impacts to "minor"
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- Why the public wasn't notified of such material changes
- How can sworn testimony contradict documented technical findings

I'm putting together a formal analysis with timestamps and verbatim testimony for the hearing examiner as we can still submit comments until Wednesday, June 25 at 5pm.

This feels like it goes way beyond normal hearing disagreements into potential procedural violations that could invalidate the entire process.

Listen to the lawyer's reveal here: https://www.youtube.com/watch?v=2NphxMDfSNI&t=121s

Listen to the city staff report here: https://www.youtube.com/watch?v=CbvmCWk_N14&t=335s

If you want to submit your own comments, email them to bkincaid@dupontwa.gov by Wednesday 5pm.

**From:** Christina Manetti <manetti.christina@gmail.com>
**Sent:** Wednesday, June 25, 2025 11:25 AM
**To:** Phil Olbrechts; Barbara Kincaid
**Subject:** Sequalitchew -- letter to the Hearing Examiner

Dear Mr. Olbrechts,

I am a party of record in the Sequalitchew case, and am writing to urge the Hearing Examiner to reopen or continue the hearing. This is necessary in order to provide sufficient time for the public and parties to submit material in light of issues that arose during the hearing, which were summarized in a recent *Suburban Times* article (see full article below this email).

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Christina Manetti, Ph.D.
Lakewood

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June 23, 2025

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If you want to submit your own comments, email them to bkincaid@dupontwa.gov by Wednesday 5pm.

**From:** Michelle Matlock <mich.mich70@outlook.com>
**Sent:** Friday, June 27, 2025 2:09 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

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• Failure to properly identify tribal cultural resources

• Violation of tribal consultation requirements

• No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)

• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,
Michelle Matlock
1307 Sinclair Dr
DuPont, Wa 98327
mich.mich70@outlook.com

**From:** WILLIAM MCDONALD <bmcdonald57@msn.com>
**Sent:** Friday, June 27, 2025 9:11 AM
**To:** Barbara Kincaid
**Cc:** Lee McDonald
**Subject:** Cal Portland Mine Expansion
**Attachments:** CalPortland Support Letter 62725.docx

Please find attached our letter in support of the proposed Cal Portland mine expansion.

Bill McDonald

To: City of DuPont

Regarding: Cal Portland Mine Expansion

June 27,2025

We are in support of the proposed expansion of the Cal Portland mining enterprise for the following reasons:

- The quality of the sand and gravel produced at the mine is exceptional.
- The location of the mining operation is and has been well buffered from other zoning uses in the city.
- The impact from transporting the materials is safe, quiet and without appreciable impact on the community.
- The environmental issues which have been raised are substantially red herrings.
    - In particular, the proposition that the Vashon aquifer will be damaged is not true. It trains into the sound and will continue to drain into the sound with the proposed expansion.
    - The Vashon aquifer is not a source of water for the city and has no impact on the deeper aquifers which are a source of water.
    - Concerns about reducing water to Sequalichew Creek obfuscate the real problem which is the diversion of the creeks water upstream by Joint Base Lewis McChord.

We have lived in the community for 20 years and have enjoyed the goodwill and responsibility demonstrated by the employees and management of Cal Portland. In addition, in my tenure as City Administrator in DuPont many of the same shallow arguments were raised to try to create difficulty for the Cal Portland operation. Environmental stewardship needs to be even handed and fair. The Cal Portland operation has demonstrated good stewardship and deserves to enjoy the continued benefits of operating their mining operation in DuPont.

Sincerely,

William R. McDonald

ICMA Credentialed City Manager-retired

With Anita Lee McDonald

**From:** Cara E Mitchell <caraemitch@gmail.com>
**Sent:** Tuesday, June 24, 2025 9:38 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING EXAMINER CONCERNING SEPA VIOLATIONS - CalPortland Mine Expansion PLNG2021-006

Dear Hearing Examiner,

DuPont's aquifers are a critical resource for the city and require the highest level of protection. This sentiment is captured in the city code. Additionally, the proposed activity by CalPortland is not contained within the development area. The EIS clearly indicates that the drawdown of the Vashon Aquifer is anticipated to affect groundwater and surface water features within a **one to two-mile radius** from the proposed mine site. This drawdown will have enormous hydrologic impacts to the marsh system and other areas far outside of the development site. It is inconceivable how impacts this far-reaching can even be mitigated.

**Proposed Mitigation is Inadequate.** The ground water and surface water mitigation plan to convey intercepted groundwater seepage from the eastern slopes of the proposed mine expansion area to discharge into the ravine section of Sequalitchew Creek or West Edmond Marsh is inadequate. First, it is not clear how this would achieve equivalent or greater biological functions resulting in no net loss of wetland function as required under the city code. Second, the cost of conveying water would be prohibitive. CalPortland is not going to have a permanent presence in the city and the EIS is unclear as to who will pay for water conveyance 25, 50 or 100 years down the road. The impacts of this action are permanent and will impact generations of residents. More broadly, there is also a high likelihood of unexpected consequences from drawing down an aquifer that underlies a large portion of the city, which includes current residential and commercial areas. A substantial mitigation fund should be established in light of unforeseen adverse impacts.

At the hearing last Friday , city staff once again pulled an illegal maneuver, violating environmental law.

City staff changed environmental impact findings from "significant impacts" to "minor impacts" the morning of or the night before CalPortland's mine hearing without revealing the changes to the public until the CalPortland lawyer referenced it at the end of the hearing—breaking Washington State environmental law.

You see, if a land owner wants to mine their property and doesn't impact anyone or anything beyond their property lines, no one really cares what they do. But what CalPortland wants to do impacts private land owners outside of the mine, and public land outside of the mine. Land my tax dollars pay for. This isn't okay. The projects own analysis shows the water levels in Edmunds Marsh will permanently drop substantially by several feet as a direct result of the aquifer drawdown. The same thing will happen to Sequalitchew Creek and the canyon. The seeps we see today that keep the hillsides and trail wet year round will disappear, permanently altering this public ecosystem forever. The drop in the water table will extend to nearly neighborhoods, potentially affecting underground sewer lines and underground utilities . My guess is this is why the city staff at the last minute changed the impacts to wetlands from significant and unavoidable to minor impacts, unbeknownst to citizens.

The public was denied meaningful participation by commenting for weeks on environmental findings of "significant unavoidable adverse impacts" while the city revised those conclusions to "minor impacts" via an undisclosed errata sheet added the evening of or the morning of the hearing, without providing notice or opportunity for public response as required by SEPA.

Specific Violations:

• 14th Amendment Due Process - Material changes without notice

• RCW 42.30.030 - Open Public Meetings Act violations

• SEPA Public Participation Requirements - WAC 197-11-340

On Friday, the CalPortland mine hearing revealed VIOLATIONS OF STATE LAW that threaten our environmental protections:

• Bait & Switch on Environmental Damage (VIOLATES RCW 43.21C.030): City staff found "significant unavoidable adverse impacts" to our wetlands and Sequalitchew Creek, but CalPortland's lawyer revealed the city quietly changed this to "minor impacts" in an undisclosed document the night before or the morning of the hearing—ILLEGAL under Washington State Environmental Policy

• Expert Contradictions Under Oath (VIOLATES WAC 197-11-560): The city's own water consultant testified he "can't comment" on legal requirements he helped evaluate, while other experts contradicted the official environmental findings they wrote—ILLEGAL under state regulations establishing Final EIS as binding.

As a 20 year plus resident of DuPont and Washington taxpayer, I demand that these procedural violations be addressed before ANY decision is made as they are VIOLATIONS OF WASHINGTON STATE LAW. Environmental laws still apply in Washington State. This isn't D.C.

Stop this application. The citizens have endured over 20 years of fighting for the city to simply follow the law with this mine expansion. City staff did this initially by failing to have Glacier NW/CalPortland file a sensitive areas permit. I caught it, testified on it at a hearing, and sent their application into a tailspin. The current staff report doesn't mention this nugget, but it happened. There's a trend here.

Cara Mitchell
DuPont resident

SOURCES:
RCW 43.21C.030: https://app.leg.wa.gov/rcw/default.aspx?cite=43.21C.030

WAC 197-11-560: https://app.leg.wa.gov/wac/default.aspx?cite=197-11-560

Citizens for Mount Vernon v. Mount Vernon: Washington courts require proper SEPA process for environmental changes

Hearing Video Evidence: https://www.youtube.com/watch?v=CbvmCWk_N14&t=393s

Additional Hearing Evidence:https://www.youtube.com/watch?v=CbvmCWk_N14&t=2185s#DuPont

**From:** Merri Natucci <merri.natucci@gmail.com>
**Sent:** Friday, June 27, 2025 3:16 PM
**To:** Barbara Kincaid
**Subject:** Eminent Destruction

To whom this concerns:

It really seems our quality of life as we know it in DuPont is being sold out to the highest bidder. That we're under seige with little protection from those employed to protect us. From our wetlands and aquifers to vegetation, wildlife and to additional traffic to the area.

I'm wondering how an impact could change from "significant to minor" in a short time?
We all know it would affect our area in majorly negative ways.
Minimizing and possibly destroying the very area so many people enjoy. How dare we let that happen if we can help it. Please help us keep the Sequalichew area the sacred place that it is. For us to enjoy and for our children and grandchildren. And, not let dollars rule. We can not be bought.

Very Sincerely,
Merri Natucci
DuPont Resident

**From:** Karen Nolan <fraukln@yahoo.com>
**Sent:** Tuesday, June 24, 2025 6:37 PM
**To:** Barbara Kincaid
**Subject:** DuPont Mine Expansion

I would to register my complaints regarding the DuPont Mine Expansion which would destroy
188 acres of forest just so a gravel mine could be expanded. This is outrageous. We need to save our forest lands.
As well this action will permanently damage the Vashon Aquifer which is needed for our land and trees.
In addition to the above, this expansion would damage off-site wetlands, especially the west wend of Edmond Marsh. We need to preserve these wetlands.
This mine expansion will destroy this beautiful land and its habitat.

I urge you to deny this project which is horrible for DuPont's wetlands, trails and community.

Thank you for your attention to this matter.

Karen Nolan
1518 McDonald
DuPont, WA 98327

RECEIVED
JUN 23 2025
CITY OF DUPONT
CMS 1:10pm

**TO:** Phil Olbrechts, Hearing Examiner

**FROM:** Judy Norris, DuPont Citizen

**DATE:** June 23, 2025

**RE: CalPortland South Parcel Mine Expansion - PLNG2021-006**
**URGENT: MOTION TO DISMISS: Systematic SEPA Violations and Corrupted Hearing Record**

# URGENT REQUEST FOR IMMEDIATE DISMISSAL

Petitioner respectfully moves for immediate dismissal of Application PLNG2021-006 based on fundamental procedural violations that rendered the June 20, 2025 hearing legally defective and incapable of supporting any lawful decision.

# I. THRESHOLD LEGAL VIOLATION REQUIRING DISMISSAL

## The Core Procedural Violation

The hearing record contains an irreconcilable contradiction about fundamental environmental determinations that no lawful decision can resolve:

**Official Environmental Finding (Final EIS & Staff Report):** "significant unavoidable adverse impacts"

**Undisclosed Errata Sheet:** "minor impacts" (introduced evening before or morning of hearing)

**Legal Authority Violated:** RCW 43.21C.030; WAC 197-11-600; WAC 197-11-560(1)

### A. Unauthorized Environmental Document Revisiond

**The Core Legal Violation:** CalPortland's lawyer said city staff revised Final Environmental Impact Statement conclusions from "significant unavoidable adverse impacts" to "minor impacts" via an undisclosed errata sheet submitted the evening before or the morning of the hearing, without SEPA-required public process.

**TRANSCRIPT OF CORE LEGAL VIOLATION:**

(**TIME STAMP 2:41:51**) **CalPortland:** we do anticipate a chance to respond to some of the information that we received in the PowerPoint and the errata sheet to this from the city that we're just digesting…

**(TIME STAMP: 35:01-35:18 second City of DuPont YouTube hearing upload) CalPortland's lawyer:** "I'd like to uh direct your attention to the errata sheet that was made part of the record last night or early this morning by the city and if you go to page two and three of that sheet. It indicates um uh an assessment of potential impacts to off-site water bodies including Pond Lake wetlands 8 9 10 and 11 Old Fort Lake and wetland ID 1D do you see that?" "The determination there that's been added in the errata sheet is that those impacts would be minor, is that right" To which, John Small, testifying for CalPortland replied, "I would say that minor is a correct and or apt conclusion."

**Specific Legal Authority Violated:**

- **RCW 43.21C.030** - SEPA procedural requirements for environmental document revision
- **WAC 197-11-600** - Public participation requirements for EIS amendments
- **DuPont Municipal Code** - Public notice requirements for material permit modifications

**Timeline of Procedural Violation:**

- **Weeks Prior:** Public reviewed and commented based on "significant unavoidable adverse impacts" in the Final EIS and the city's Staff Report and Recommendation
- **Evening Before or Morning of Hearing (Timestamp 17:22-19:40):** Undisclosed errata sheet introduced without disclosure of material changes
- **During Hearing:** CalPortland's attorney reveals errata sheet "made part of the record last night or early this morning"

**B. Due Process Violations**

**Constitutional Issue:** The public was denied meaningful participation by commenting for weeks on environmental findings of "significant unavoidable adverse impacts" while the city revised those conclusions to "minor impacts" via an undisclosed errata sheet added the evening of or the morning of the hearing, without providing notice or opportunity for public response as required by SEPA.

**Specific Violations:**

- **14th Amendment Due Process** - Material changes without notice
- **RCW 42.30.030** - Open Public Meetings Act violations
- **SEPA Public Participation Requirements** - WAC 197-11-340

**C. Administrative Law Violations**

**Legal Impossibility:** The hearing record contains irreconcilable contradictions about fundamental environmental conclusions that cannot support any lawful decision.

**Which Environmental Finding Governs:**

1. Staff Report: "significant unavoidable adverse impacts"
2. Undisclosed Errata Sheet: "minor impacts"
3. City Expert Testimony: Claim inability to comment on calculated impacts

## D. Record Integrity Issues

Which version is legally operative?

- Staff's formal presentation of "significant unavoidable impacts"?
- The undisclosed errata sheet claiming "minor impacts"?
- CalPortland expert testimony denying functional changes?

A hearing record cannot contain irreconcilable contradictions about fundamental environmental conclusions.

### The Fundamental Questions:

1. **Legal Authority:** Did staff have authority to substantively revise EIS conclusions via evening prior to or morning-of-hearing undisclosed errata sheet without SEPA process?
2. **Due Process:** How can material environmental conclusions be changed without public notice and comment opportunity?
3. **Expert Credibility:** How can experts claim under oath that they cannot comment on impacts they calculated in the Final EIS?
4. **Procedural Integrity:** Can conditional approval be based on undisclosed documents not available for public review?
5. **SEPA Compliance:** How can expert testimony contradict the Final EIS that represents the city's official environmental conclusions? Under **Citizens for Mount Vernon v. Mount Vernon**, 133 Wn.2d 861 (1997), environmental determinations cannot be revised without proper SEPA process. Expert testimony contradicting the Final EIS violates **WAC 197-11-560(1)**, which establishes the Final EIS as 'the agency's conclusion about significant environmental impacts.
6. **Ultra Vires Authority:** Did city staff exceed their statutory authority under **WAC 197-11-560** by unilaterally revising Final EIS conclusions without the required environmental review process?

## I. FORMAL STAFF PRESENTATION - DOCUMENTED ADMISSIONS OF CODE VIOLATIONS

During the city's formal presentation, staff made specific, documented admissions about environmental damage AND code violations that directly contradict later sworn testimony.

**DMC 25.105.050's "no net loss" requirement.** Staff formally admits the creek restoration plan - their primary mitigation strategy - **"would likely not mitigate these impacts to off-site wetlands",** making "no net loss" impossible to achieve.

**Comprehensive Plan Violation Admission (Timestamp 50:09-50:22):** Staff formally concluded: *"the significant unavoidable impacts to the impacted off-site surface waters* ***which would likely not be mitigated through the implementation of the restoration plan*** *is without mitigation* ***not in alignment with the comp plan policies*** *for protection of the long-term integrity of the national environment"*

## STAFF REPORT DOCUMENTATION OF SAME "SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS":

**Staff Report Page 11:** *"However,* ***no mitigation is provided for the significant unavoidable impacts*** *to the surface water bodies located to the south of Sequalitchew Creek (Wetland 1D; Pond Lake; Wetland#8, #9, #10, and #11; and Old Fort Lake). While the EIS finds that the natural seasonal fluctuations in water levels may make it difficult to observe changes to these water bodies,* ***these impacts do not align with Comprehensive Plan policies*** *for protection of the long-term integrity of the natural environment."*

## FINAL EIS IDENTICAL CONCLUSIONS:

**EIS Page 3.4-29:** *"Water levels in isolated lakes and kettle wetlands not directly connected by surface water to the Sequalitchew Creek system would be lowered due to lowered groundwater levels from the Proposed Action. The anticipated decrease in water levels would be approximately 3 ft for Wetland 1D; 2 ft for Pond Lake; 1 ft for Wetlands, #8, #9, #10, and #11; and 0.5 ft for Old Fort Lake.* ***Implementation of the Restoration Plan would likely not mitigate these impacts."***

**Groundwater Impacts (Timestamp 47:15-47:35):** Staff stated: *"The Vashon aquifer water table would significantly decrease in the vicinity of the south parcel groundwater discharge in the Sequalitchew Creek ravine is expected to significantly decrease"*

**Creek Flow Destruction (Timestamp 48:37-48:50):** Staff stated: *"flows in the ravine section of Sequalitchew Creek so the slopes would likely be lower than under existing conditions an estimated 10% of the time due the reduction in groundwater seeps and spring discharges to the creek following groundwater lowering this would have adverse effects on aquatic habitat"*

**Critical Legal Conclusion (Timestamp 50:09-50:22):** Staff concluded: *"the significant unavoidable impacts to the impacted off-site surface waters which would likely not be mitigated through the implementation of the restoration plan is without mitigation not in alignment with the comp plan policies"*

**Staff's Own Legal Finding:** The city's own staff report clearly states the project doesn't align with comprehensive plan policies LU-3.6, LU-10, and LU-10.2 for the protection of the long-term integrity of the natural environment.

## II. CONTRADICTORY SWORN TESTIMONY - SYSTEMATIC QUESTIONABLE STATEMENTS UNDER OATH

**Ben Lee's (City Water Consultant) Questionable Testimony About "No Net Loss" (Timestamp 2:15:30-2:17:43):** When the Hearing Examiner directly asked: *"if you're permanently reducing the water levels of a wetland is it possible then to have mitigation with those lower levels that that retains you know ecological function"*

Ben Lee gave a rambling, evasive response that avoided answering the direct question. Most damaging, when pressed further about no net loss requirements, Lee admitted under oath: *"I'm I I'm not sure if I can comment on no net loss in particular right now"*

**THE TIMELINE OF Contradictions:**

- **48:09:** Staff formally admits *"implementation of the restoration plan would likely not mitigate these impacts"*
- **1:31:05-1:31:13:** Staff presents DMC requirement for *"no net loss of stream function"*
- **1:32:03-1:32:10:** Staff discusses *"demonstration of no net loss of stream function"*
- **2:17:03:** Ben Lee claims he *"can't comment on no net loss"*

**City Expert Chris Wright's Damaging Admissions (Timestamp 32:24-34:32 second City of DuPont YouTube hearing upload):** During staff rebuttal, wetlands specialist Chris Wright was called in via Zoom and made devastating admissions under oath:

- *"we don't understand at this point what the extent of that impact is and whether or not that impact would be significant"*
- When asked if impacts could be fully mitigated: *"uh again not knowing the extent of what the impacts are I cannot say that they could be fully mitigated"* These casual dismissals directly contradict both the staff report's conclusion that impacts *"would likely not be mitigated"* and the Final EIS conclusion of "significant unavoidable adverse impacts."

**Ms. Kincaid's Questionable Testimony About Staff Conclusions (Timestamp 30:34-32:05 second City of DuPont YouTube hearing upload):** When the Hearing Examiner asked about Ms. Norris's accurate citation of unmitigated impacts in the staff report, Ms. Kincaid testified under oath: *"what we were um discussing in that report and in our analysis is that in some of these cases we don't have enough information to be able to draw a conclusion so um what what our intent is there is to say we need to have the data that we're requesting in the conditions"*

**This testimony directly contradicts:**

- **Her own staff report** which contains specific, definitive conclusions
- **Her staff's formal presentation** (timestamps 1:31:05-1:31:20) where they admitted DMC violations
- **Multiple timestamped admissions** of "significant unavoidable adverse impacts"

**Ms. Kincaid cannot claim that staff lacks sufficient information when:**

- Her own report contains explicit conclusions about environmental damage that cannot be mitigated
- Her staff formally presented DMC legal requirements during the hearing
- Multiple timestamped admissions document specific violations

## III. THE NON-DISCLOSED ERRATA SHEET

**Casual Introduction Without Disclosure (Timestamp 17:22-19:40):** Ms. Kincaid casually stated, *"there are a few more exhibits that we need to enter into the record"* without disclosing that it contained material changes to environmental conclusions.

**Critical Omission:** Ms. Kincaid failed to disclose that the errata sheet contained material changes to environmental conclusions, **downgrading impacts from "significant unavoidable" to "minor."**

**Strategic Introduction of Expert Witness (Timestamp 35:01-36:43 second City of DuPont YouTube video):**

CalPortland's attorney Steve strategically called John Small as their witness, establishing his credentials: *"I'm an environmental consultant i've got 24 years of experience with Anker QA... i have a bachelor's degree in geology and a master's in landscape architecture."* When asked about his role in the project, Small testified: *"i've been involved in the wetland assessments the impacts on fisheries plants and animals and* ***I led both those technical documents"*** - establishing him as the lead author of the very Final EIS that found "significant unavoidable adverse impacts."

**Direct Reference to Undisclosed Errata Sheet (Timestamp 36:03-36:43 second City of DuPont YouTube video):**

Steve then immediately directed Small's attention to the undisclosed document: *"i'd like to uh direct your attention to the* ***errata sheet that was made part of the record last night or early this morning by the city*** *and if you go to page two two and three of that sheet."*

**Specific Offsite Wetlands Identification (Timestamp 36:14-36:43 second City of DuPont YouTube video):**

Steve specifically identified the affected water bodies: *"it indicates um uh an assessment of potential impacts to* ***off-site water bodies including Pond Lake wetlands 8 9 10 and 11 Old Fort Lake and wetland ID 1D*** *do you see that"* Small confirmed: *"yes I do."*

**The Devastating Environmental Contradiction (Timestamp 36:35-36:43) second City of DuPont YouTube video:**

**Steve then revealed the core violation: *"okay okay and the determination there that's been added in the errata sheet is that those impacts would be minor is that right"* Small endorsed this revision: *"yes"* and further testified: *"yeah I would say that minor is a correct and or apt conclusion."***

**John Small's Dismissive "Solutions" for Unmitigatable Wetland Damage**

**Timestamp 39:02-40:32** - When the Hearing Examiner asked what would happen if there was significant decrease in wetland function contrary to expectations and how it could be mitigated:

**Solution #1: "Just Replant Different Plants"**

**John Small's Response (Timestamp 39:27-39:59):**

"either the conditions within the wetland could change without really affecting the size of the wetland and we would probably try to mitigate that... the best mitigation for those functions would

be to look at the existing vegetation and **if it's no longer supported by the hydrology uh replace it with wetland vegetation that is better able to handle that hydrology** uh it could be a conversion from emergent vegetation to shrub scrub wetland vegetation but it would remain a wetland"

**Solution #2: "Make the Replacement Wetland Bigger"**

**John Small's Response (Timestamp 40:06-40:20):**

**"if the wetlands decrease in size then we have the ability to enlarge the wetland mitigation site in the mine to accommodate any losses there"**

**Hearing Examiner Follow-up (Timestamp 40:20-40:32):**

"if you have a lowering of the wetland you know the boundary changes that be associated with the reduction in the size and you're saying you would compensate for that by the compensation wetland then is"

**John Small: "Yeah that would most likely be mitigated at a 2 to 1 ratio under the code"**

**How can John Small testify under oath that environmental impacts are "minor" when the Final EIS - the legally binding SEPA document that underwent formal public process - concluded they are "significant unavoidable adverse impacts."?** His testimony directly contradicts the official environmental determination and violates the integrity of the SEPA process.

**Pattern of Last-Minute Document Changes**

Miss Klein also admitted to adding new content, stating: *"anything you see in yellow is a new addition to the staff to the staff report"* regarding dust control analysis that was "erroneously overseen" in the original report.

**This reveals a pattern of:**

- Material changes made to environmental documents at the last minute
- Seeming coordination between city staff and applicant
- Substantial revisions not disclosed to public until the end of the hearing
- Environmental conclusions changed in real-time without public process

**Legal Questions:**

1. **Authority:** Did staff have legal authority to substantively revise EIS conclusions via errata sheet without SEPA process?
2. **Notice:** How can material environmental conclusions be changed without public notice and comment opportunity?
3. **Timing:** Can conditional approval be based on undisclosed documents unavailable for public review?

## IV. UNANSWERABLE LEGAL QUESTIONS MANDATING DISMISSAL

The hearing record presents fundamental legal questions that cannot be resolved without dismissing this proceeding:

1. **SEPA Compliance:** How can expert testimony contradict the Final EIS that represents the city's official environmental conclusions under RCW 43.21C?
2. **Administrative Authority:** What legal authority permitted staff to unilaterally reverse environmental conclusions through an evening before or morning-of-hearing errata sheet without required public process?
3. **Due Process:** How can the public meaningfully participate when material environmental findings are revised without public notice?
4. **Record Integrity:** Which contradictory version of environmental impacts should govern the decision when the record contains irreconcilable contradictions?
5. **Expert Credibility:** How can experts claim under oath their inability to comment on impacts they calculated in the Final EIS?

## V. SILENCE AS ADMISSION: CITY'S FAILURE TO DISPUTE CALPORTLAND'S CLAIMS THAT THE UNDISCLOSED ERRATA CHANGED THE DAMAGES TO MINOR

Most troubling, when CalPortland's attorney stated that the city's errata sheet determined 'those impacts would be minor,' city staff offered no correction or clarification. In a legal proceeding, silence in the face of material factual claims constitutes admission. The presence of city legal counsel throughout these proceedings makes the violations inexcusable. The city cannot claim procedural ignorance when its own legal counsel witnessed every violation documented above and chose not to intervene.

## VI. REQUESTED RELIEF

The documented procedural violations and systematic contradictions require:

**Immediate Relief: Dismissal** of application due to fundamentally corrupted hearing process

**Additional relief requested:**

1. **Errata Sheet Authority Review:** Determine legal authority under WAC 197-11-560 for substantive revision of Final EIS conclusions via morning-of-hearing errata sheet
2. **Ex Parte Investigation:** Investigate apparent coordination between city staff and applicant regarding advance disclosure of errata sheet contents

**The undisclosed errata sheet represents a fundamental violation of SEPA's public participation requirements.** The public spent weeks commenting on environmental conclusions of 'significant unavoidable adverse impacts' while an undisclosed document apparently reached opposite conclusions. This bait-and-switch tactic denied meaningful public participation and violated

constitutional due process. Any decision based on undisclosed environmental document revisions without required public notice and comment is void ab initio under SEPA and administrative law.

# VI. LEGAL CONCLUSION

The hearing examiner heard CalPortland's attorney state that the city's errata sheet changed environmental impacts to 'minor,' heard no correction from city staff, yet has a record showing 'significant unavoidable adverse impacts.' This creates an irreconcilable contradiction that no lawful decision can be based upon.

The hearing process has lost all legal credibility through systematic procedural violations, undisclosed document revisions, and contradictory sworn testimony. These are not disagreements about environmental science—they are fundamental violations of administrative law, SEPA requirements, and constitutional due process.

**Most troubling, when CalPortland's attorney stated that the city's errata sheet determined 'those impacts would be minor,' city staff offered no correction or clarification. City legal counsel was present during this exchange.** In a legal proceeding, silence in the face of material factual claims constitutes admission. This allows CalPortland's characterization that environmental findings were changed from "significant unavoidable adverse impacts" to "minor impacts" to remain part of the unchallenged hearing record.

**No lawful approval can be issued based on a hearing record containing:**

- **Undisclosed environmental document revisions** without required public process
- **Sworn testimony by the Planning Director inconsistent with her own report**
- **Expert witnesses unable to comment on impacts they previously calculated**
- **Irreconcilable contradictions** about fundamental environmental conclusions
- **City legal counsel present during systematic procedural violations without intervention**

Under **Citizens for Mount Vernon v. Mount Vernon**, 133 Wn.2d 861 (1997), environmental determinations cannot be revised without proper SEPA process. The undisclosed errata sheet represents a fundamental violation of SEPA's public participation requirements and constitutional due process.

**Dismissal is the only legally available remedy for this corrupted proceeding.**

These documented violations make approval legally impossible under Washington environmental law. Dismissal is the only option.

Respectfully submitted,

Judy Norris
1485 Kittson Street DuPont, WA

**From:** Judy Norris <piebaldsatil@gmail.com>
**Sent:** Saturday, June 21, 2025 8:14 AM
**To:** Ronald Frederick; Barbara Kincaid; Gordon Karg
**Subject:** Procedural Issues Identified in CalPortland Hearing Record

**Subject: Procedural Issues Identified in CalPortland Hearing Record**

Dear Ron, Barb, and Gordon,

I am writing to give you advance notice that I have identified significant procedural issues in the June 20, 2025 CalPortland hearing that I will be documenting in my formal comments to the hearing examiner.

**Key Issues Identified:**

1. **Material contradictions** between staff's formal presentation (detailed environmental damage calculations) and subsequent sworn testimony (claims of ignorance about the same impacts)
2. **Last-minute errata sheet** that appears to have downgraded impacts from "significant unavoidable" to "minor" - added the morning of the hearing without public notice or comment opportunity
3. **Potential SEPA violations** regarding substantive changes to environmental conclusions outside proper public process
4. **Due process concerns** about material changes to the decision record made without adequate public participation

I have documented these issues with specific timestamps from the hearing transcript and will be submitting detailed analysis to the hearing examiner by the Wednesday deadline.

I wanted to give you advance notice so you can review the procedural record and consider whether additional legal consultation may be appropriate before the hearing examiner issues a decision.

The issues identified appear to go beyond typical hearing disagreements and raise questions about compliance with municipal code, SEPA, and administrative law requirements.

Respectfully,
Judy Norris
1485 Kittson Street
DuPont, WA 98327

--
**"Be well, be love, be loved"**
*"Faith is the bird that feels the light when the dawn is still dark."*
*Sir Rabindranath Tagore*

**From:** Judy Norris <piebaldsatil@gmail.com>
**Sent:** Monday, June 23, 2025 1:39 PM
**To:** Barbara Kincaid
**Cc:** Ronald Frederick; Gordon Karg; Judy Norris
**Subject:** Subject: EMERGENCY MOTION TO DISMISS - CalPortland Mine Expansion (PLNG2021-006)- SEPA Violations
**Attachments:** Motion to Dismiss CalPortland South Parcel Mine Expansion (PLNG2021-006) June 23, 2025 .pdf

Dear Mr. Olbrechts:

I am submitting the attached **Emergency Motion to Dismiss** regarding systematic legal violations documented in the June 20, 2025 hearing record for the CalPortland South Parcel Mine Expansion (PLNG2021-006).

**DOCUMENT:** EMERGENCY MOTION TO DISMISS - Systematic SEPA Violations and Corrupted Hearing Record

**REQUESTED IMMEDIATE RELIEF:** DISMISSAL of application due to fundamentally corrupted hearing process that cannot support any lawful decision.

**THRESHOLD LEGAL VIOLATION:**

The hearing record contains an irreconcilable contradiction about fundamental environmental determinations that renders any lawful decision impossible:

• **Official Environmental Finding:** "significant unavoidable adverse impacts" (Final EIS & Staff Report)
• **Undisclosed Errata Sheet:** "minor impacts" (introduced evening before/morning of hearing without public process)

**KEY PROCEDURAL VIOLATIONS DOCUMENTED:**
• **Unauthorized Environmental Document Revision** - Final EIS conclusions unilaterally changed via undisclosed errata sheet without required SEPA process (WAC 197-11-600, RCW 43.21C.030)
• **Due Process Violations** - Material environmental findings revised without public notice, violating constitutional requirements and WAC 197-11-340
• **Record Integrity Failure** - Irreconcilable contradictions between official environmental determinations make any decision legally impossible
• **Silent Admission** - City staff failed to correct CalPortland's characterization of errata sheet changes despite legal counsel present

**EVIDENCE BASIS:**

All allegations supported by exact timestamps from official hearing transcript, including CalPortland counsel's admission that errata sheet was "made part of the record last night or early this morning" (Timestamp 35:01-35:18).

**LEGAL STANDARD:**
Under *Citizens for Mount Vernon v. Mount Vernon*, 133 Wn.2d 861 (1997), environmental determinations cannot be revised without proper SEPA process. The systematic procedural violations documented render this proceeding legally defective beyond remedy.

**DISMISSAL IS THE ONLY LEGALLY AVAILABLE REMEDY.**
These threshold legal violations must be resolved before any substantive decision, as the corrupted hearing record makes any approval void *ab initio* under Washington environmental law.

I respectfully request immediate consideration of this Emergency Motion to Dismiss.

**Respectfully submitted,**
Judy Norris
1485 Kittson Street
DuPont, Washington 98327
253 370 6246
piebaldsatil@gmail.com
**Attachment:** Emergency Motion to Dismiss (9 pages)

**COPIES TO:**
- Gordon Karg, City Attorney
- Barbara Kincaid, Planning Director
- Ron Frederick, Mayor

**DELIVERY CONFIRMATION:** This motion delivered simultaneously via:
- Hand delivered at 1:10pm June 23, 2025 to Christine at the front desk with receipt provided

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**TO:** Phil Olbrechts, Hearing Examiner

**FROM:** Judy Norris, DuPont Citizen

**DATE:** June 23, 2025

**RE: CalPortland South Parcel Mine Expansion - PLNG2021-006**
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**Comprehensive Plan Violation Admission (Timestamp 50:09-50:22):** Staff formally concluded: *"the significant unavoidable impacts to the impacted off-site surface waters* ***which would likely not be mitigated through the implementation of the restoration plan*** *is without mitigation* ***not in alignment with the comp plan policies*** *for protection of the long-term integrity of the national environment"*

**STAFF REPORT DOCUMENTATION OF SAME "SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS":**

**Staff Report Page 11:** *"However,* ***no mitigation is provided for the significant unavoidable impacts*** *to the surface water bodies located to the south of Sequalitchew Creek (Wetland 1D; Pond Lake; Wetland#8, #9, #10, and #11; and Old Fort Lake). While the EIS finds that the natural seasonal fluctuations in water levels may make it difficult to observe changes to these water bodies,* ***these impacts do not align with Comprehensive Plan policies*** *for protection of the long-term integrity of the natural environment."*

**FINAL EIS IDENTICAL CONCLUSIONS:**

**EIS Page 3.4-29:** *"Water levels in isolated lakes and kettle wetlands not directly connected by surface water to the Sequalitchew Creek system would be lowered due to lowered groundwater levels from the Proposed Action. The anticipated decrease in water levels would be approximately 3 ft for Wetland 1D; 2 ft for Pond Lake; 1 ft for Wetlands, #8, #9, #10, and #11; and 0.5 ft for Old Fort Lake.* ***Implementation of the Restoration Plan would likely not mitigate these impacts."***

**Groundwater Impacts (Timestamp 47:15-47:35):** Staff stated: *"The Vashon aquifer water table would significantly decrease in the vicinity of the south parcel groundwater discharge in the Sequalitchew Creek ravine is expected to significantly decrease"*

**Creek Flow Destruction (Timestamp 48:37-48:50):** Staff stated: *"flows in the ravine section of Sequalitchew Creek so the slopes would likely be lower than under existing conditions an estimated 10% of the time due the reduction in groundwater seeps and spring discharges to the creek following groundwater lowering this would have adverse effects on aquatic habitat"*

**Critical Legal Conclusion (Timestamp 50:09-50:22):** Staff concluded: *"the significant unavoidable impacts to the impacted off-site surface waters which would likely not be mitigated through the implementation of the restoration plan is without mitigation not in alignment with the comp plan policies"*

**Staff's Own Legal Finding:** The city's own staff report clearly states the project doesn't align with comprehensive plan policies LU-3.6, LU-10, and LU-10.2 for the protection of the long-term integrity of the natural environment.

**II. CONTRADICTORY SWORN TESTIMONY - SYSTEMATIC QUESTIONABLE STATEMENTS UNDER OATH**

**Ben Lee's (City Water Consultant) Questionable Testimony About "No Net Loss" (Timestamp 2:15:30-2:17:43):** When the Hearing Examiner directly asked: *"if you're permanently reducing the water levels of a wetland is it possible then to have mitigation with those lower levels that that retains you know ecological function"*

Ben Lee gave a rambling, evasive response that avoided answering the direct question. Most damaging, when pressed further about no net loss requirements, Lee admitted under oath: *"I'm I I'm not sure if I can comment on no net loss in particular right now"*

**THE TIMELINE OF Contradictions:**

- **48:09:** Staff formally admits *"implementation of the restoration plan would likely not mitigate these impacts"*
- **1:31:05-1:31:13:** Staff presents DMC requirement for *"no net loss of stream function"*
- **1:32:03-1:32:10:** Staff discusses *"demonstration of no net loss of stream function"*
- **2:17:03:** Ben Lee claims he *"can't comment on no net loss"*

**City Expert Chris Wright's Damaging Admissions (Timestamp 32:24-34:32 second City of DuPont YouTube hearing upload):** During staff rebuttal, wetlands specialist Chris Wright was called in via Zoom and made devastating admissions under oath:

- *"we don't understand at this point what the extent of that impact is and whether or not that impact would be significant"*
- When asked if impacts could be fully mitigated: *"uh again not knowing the extent of what the impacts are I cannot say that they could be fully mitigated"* These casual dismissals directly contradict both the staff report's conclusion that impacts *"would likely not be mitigated"* and the Final EIS conclusion of "significant unavoidable adverse impacts."

**Ms. Kincaid's Questionable Testimony About Staff Conclusions (Timestamp 30:34-32:05 second City of DuPont YouTube hearing upload):** When the Hearing Examiner asked about Ms. Norris's accurate citation of unmitigated impacts in the staff report, Ms. Kincaid testified under oath: *"what we were um discussing in that report and in our analysis is that in some of these cases we don't have enough information to be able to draw a conclusion so um what what our intent is there is to say we need to have the data that we're requesting in the conditions"*

**This testimony directly contradicts:**

- **Her own staff report** which contains specific, definitive conclusions
- **Her staff's formal presentation** (timestamps 1:31:05-1:31:20) where they admitted DMC violations
- **Multiple timestamped admissions** of "significant unavoidable adverse impacts"

**Ms. Kincaid cannot claim that staff lacks sufficient information when:**

- Her own report contains explicit conclusions about environmental damage that cannot be mitigated
- Her staff formally presented DMC legal requirements during the hearing
- Multiple timestamped admissions document specific violations

## III. THE NON-DISCLOSED ERRATA SHEET

**Casual Introduction Without Disclosure (Timestamp 17:22-19:40):** Ms. Kincaid casually stated, *"there are a few more exhibits that we need to enter into the record"* without disclosing that it contained material changes to environmental conclusions.

**Critical Omission:** Ms. Kincaid failed to disclose that the errata sheet contained material changes to environmental conclusions, **downgrading impacts from "significant unavoidable" to "minor."**

**Strategic Introduction of Expert Witness (Timestamp 35:01-36:43 second City of DuPont YouTube video):**

CalPortland's attorney Steve strategically called John Small as their witness, establishing his credentials: *"I'm an environmental consultant i've got 24 years of experience with Anker QA... i have a bachelor's degree in geology and a master's in landscape architecture."* When asked about his role in the project, Small testified: *"i've been involved in the wetland assessments the impacts on fisheries plants and animals and* ***I led both those technical documents"*** - establishing him as the lead author of the very Final EIS that found "significant unavoidable adverse impacts."

**Direct Reference to Undisclosed Errata Sheet (Timestamp 36:03-36:43 second City of DuPont YouTube video):**

Steve then immediately directed Small's attention to the undisclosed document: *"i'd like to uh direct your attention to the* ***errata sheet that was made part of the record last night or early this morning by the city*** *and if you go to page two two and three of that sheet."*

**Specific Offsite Wetlands Identification (Timestamp 36:14-36:43 second City of DuPont YouTube video):**

Steve specifically identified the affected water bodies: *"it indicates um uh an assessment of potential impacts to* ***off-site water bodies including Pond Lake wetlands 8 9 10 and 11 Old Fort Lake and wetland ID 1D*** *do you see that"* Small confirmed: *"yes I do."*

**The Devastating Environmental Contradiction (Timestamp 36:35-36:43) second City of DuPont YouTube video:**

**Steve then revealed the core violation: *"okay okay and the determination there that's been added in the errata sheet is that those impacts would be minor is that right"* Small endorsed this revision: *"yes"* and further testified: *"yeah I would say that minor is a correct and or apt conclusion."***

**John Small's Dismissive "Solutions" for Unmitigatable Wetland Damage**

**Timestamp 39:02-40:32** - When the Hearing Examiner asked what would happen if there was significant decrease in wetland function contrary to expectations and how it could be mitigated:

**Solution #1: "Just Replant Different Plants"**

**John Small's Response (Timestamp 39:27-39:59):**

"either the conditions within the wetland could change without really affecting the size of the wetland and we would probably try to mitigate that... the best mitigation for those functions would

be to look at the existing vegetation and **if it's no longer supported by the hydrology uh replace it with wetland vegetation that is better able to handle that hydrology** uh it could be a conversion from emergent vegetation to shrub scrub wetland vegetation but it would remain a wetland"

**Solution #2: "Make the Replacement Wetland Bigger"**

**John Small's Response (Timestamp 40:06-40:20):**

**"if the wetlands decrease in size then we have the ability to enlarge the wetland mitigation site in the mine to accommodate any losses there"**

**Hearing Examiner Follow-up (Timestamp 40:20-40:32):**

"if you have a lowering of the wetland you know the boundary changes that be associated with the reduction in the size and you're saying you would compensate for that by the compensation wetland then is"

**John Small: "Yeah that would most likely be mitigated at a 2 to 1 ratio under the code"**

**How can John Small testify under oath that environmental impacts are "minor" when the Final EIS - the legally binding SEPA document that underwent formal public process - concluded they are "significant unavoidable adverse impacts."?** His testimony directly contradicts the official environmental determination and violates the integrity of the SEPA process.

**Pattern of Last-Minute Document Changes**

Miss Klein also admitted to adding new content, stating: *"anything you see in yellow is a new addition to the staff to the staff report"* regarding dust control analysis that was "erroneously overseen" in the original report.

**This reveals a pattern of:**

- Material changes made to environmental documents at the last minute
- Seeming coordination between city staff and applicant
- Substantial revisions not disclosed to public until the end of the hearing
- Environmental conclusions changed in real-time without public process

**Legal Questions:**

1. **Authority:** Did staff have legal authority to substantively revise EIS conclusions via errata sheet without SEPA process?
2. **Notice:** How can material environmental conclusions be changed without public notice and comment opportunity?
3. **Timing:** Can conditional approval be based on undisclosed documents unavailable for public review?

## IV. UNANSWERABLE LEGAL QUESTIONS MANDATING DISMISSAL

The hearing record presents fundamental legal questions that cannot be resolved without dismissing this proceeding:

1. **SEPA Compliance:** How can expert testimony contradict the Final EIS that represents the city's official environmental conclusions under RCW 43.21C?
2. **Administrative Authority:** What legal authority permitted staff to unilaterally reverse environmental conclusions through an evening before or morning-of-hearing errata sheet without required public process?
3. **Due Process:** How can the public meaningfully participate when material environmental findings are revised without public notice?
4. **Record Integrity:** Which contradictory version of environmental impacts should govern the decision when the record contains irreconcilable contradictions?
5. **Expert Credibility:** How can experts claim under oath their inability to comment on impacts they calculated in the Final EIS?

## V. SILENCE AS ADMISSION: CITY'S FAILURE TO DISPUTE CALPORTLAND'S CLAIMS THAT THE UNDISCLOSED ERRATA CHANGED THE DAMAGES TO MINOR

Most troubling, when CalPortland's attorney stated that the city's errata sheet determined 'those impacts would be minor,' city staff offered no correction or clarification. In a legal proceeding, silence in the face of material factual claims constitutes admission. The presence of city legal counsel throughout these proceedings makes the violations inexcusable. The city cannot claim procedural ignorance when its own legal counsel witnessed every violation documented above and chose not to intervene.

## VI. REQUESTED RELIEF

The documented procedural violations and systematic contradictions require:

**Immediate Relief: Dismissal** of application due to fundamentally corrupted hearing process

**Additional relief requested:**

1. **Errata Sheet Authority Review:** Determine legal authority under WAC 197-11-560 for substantive revision of Final EIS conclusions via morning-of-hearing errata sheet
2. **Ex Parte Investigation:** Investigate apparent coordination between city staff and applicant regarding advance disclosure of errata sheet contents

**The undisclosed errata sheet represents a fundamental violation of SEPA's public participation requirements.** The public spent weeks commenting on environmental conclusions of 'significant unavoidable adverse impacts' while an undisclosed document apparently reached opposite conclusions. This bait-and-switch tactic denied meaningful public participation and violated

constitutional due process. Any decision based on undisclosed environmental document revisions without required public notice and comment is void ab initio under SEPA and administrative law.

# VI. LEGAL CONCLUSION

The hearing examiner heard CalPortland's attorney state that the city's errata sheet changed environmental impacts to 'minor,' heard no correction from city staff, yet has a record showing 'significant unavoidable adverse impacts.' This creates an irreconcilable contradiction that no lawful decision can be based upon.

The hearing process has lost all legal credibility through systematic procedural violations, undisclosed document revisions, and contradictory sworn testimony. These are not disagreements about environmental science—they are fundamental violations of administrative law, SEPA requirements, and constitutional due process.

**Most troubling, when CalPortland's attorney stated that the city's errata sheet determined 'those impacts would be minor,' city staff offered no correction or clarification. City legal counsel was present during this exchange.** In a legal proceeding, silence in the face of material factual claims constitutes admission. This allows CalPortland's characterization that environmental findings were changed from "significant unavoidable adverse impacts" to "minor impacts" to remain part of the unchallenged hearing record.

**No lawful approval can be issued based on a hearing record containing:**

- **Undisclosed environmental document revisions** without required public process
- **Sworn testimony by the Planning Director inconsistent with her own report**
- **Expert witnesses unable to comment on impacts they previously calculated**
- **Irreconcilable contradictions** about fundamental environmental conclusions
- **City legal counsel present during systematic procedural violations without intervention**

Under **Citizens for Mount Vernon v. Mount Vernon**, 133 Wn.2d 861 (1997), environmental determinations cannot be revised without proper SEPA process. The undisclosed errata sheet represents a fundamental violation of SEPA's public participation requirements and constitutional due process.

**Dismissal is the only legally available remedy for this corrupted proceeding.**

These documented violations make approval legally impossible under Washington environmental law. Dismissal is the only option.

Respectfully submitted,

Judy Norris

1485 Kittson Street

DuPont, Washington

**From:** Krista Novak <kristamnovak@yahoo.com>
**Sent:** Monday, June 23, 2025 9:49 PM
**To:** Barbara Kincaid
**Subject:** Letter for hearing examiner concerning SEPA violations

To the Hearing Examiner,

This is very concerning. These violations need to be addressed before any decisions are made.

City changed environmental impact findings from "significant impacts" to "minor impacts" the morning of or the night before CalPortland's mine hearing without revealing the changes to the public until the CalPortland lawyer referenced it at the end of the hearing—breaking Washington State environmental law.

The CalPortland mine hearing revealed VIOLATIONS OF STATE LAW that threaten our environmental protections:

• Bait & Switch on Environmental Damage (VIOLATES RCW 43.21C.030): City staff found "significant unavoidable adverse impacts" to our wetlands and Sequalitchew Creek, but CalPortland's lawyer revealed the city quietly changed this to "minor impacts" in an undisclosed document the night before or the morning of the hearing—ILLEGAL under Washington State Environmental Policy

• Expert Contradictions Under Oath (VIOLATES WAC 197-11-560): The city's own water consultant testified he "can't comment" on legal requirements he helped evaluate, while other experts contradicted the official environmental findings they wrote—ILLEGAL under state regulations establishing Final EIS as binding.

Why This Matters: These aren't just "procedural concerns"—they are VIOLATIONS OF WASHINGTON STATE

SOURCES: 📋 RCW 43.21C.030: RCW 43.21C.030: Guidelines for state agencies, local governments—Statements—Reports—Advice—Information 📋

📋 WAC 197-11-560: WAC 197-11-560:

**WAC 197-11-560:**

🎥 Hearing Video Evidence: Pioneer Aggregates South Parcel Project Hearing

**Pioneer Aggregates South Parcel Project Hearing**

By City of DuPont

🎥 Additional Hearing Evidence:[Pioneer Aggregates South Parcel Project Hearing]

**Pioneer Aggregates South Parcel Project Hearing**

By City of DuPont

[Sent from Yahoo Mail for iPhone]

**From:** Lynn Okita <lmonp13@gmail.com>
**Sent:** Monday, June 23, 2025 4:45 PM
**To:** Barbara Kincaid
**Subject:** Mine expansion

Dear Ms. Kincaid:

This is the testimony I was prepared to give at the hearing 6/20/25, but I was unable to stay beyond 11:30.

I'm here today to strongly oppose the mine expansion and to state my primary concerns, which are as follows:

-It will have irreversible environmental impacts that are nothing short of devastating to DuPont citizens, future generations, and the ecosystem, which includes wildlife and their habitat.

-Our marshes will permanently lose 1-3 feet of water and the Sequalitchew Creek flow will decrease significantly as a result of dewatering the Vashon aquifer.

-188 acres of trees and foliage will be destroyed, which means a massive loss of the ecosystem and habitat for wildlife, and many will be killed in this process.

-Creekside Village and other nearby homes will be subjected to the noise and disruption of bulldozers, other heavy equipment, and logging operations for an extended period, which will impact quality of life.

-It violates city law and tribal consultation requirements.

-My home of 17 years backs up to Bell Marsh, and over the years I have enjoyed seeing and hearing the many wildlife species the marsh supports such as eagles, herons, owls, ducks, geese, deer, frogs, and more. It is heartbreaking to think that their habitat and water supply would be compromised and likely no longer be adequate. This, tragically, would be true across our marsh system.

In conclusion, it is beyond comprehension why the exploitation of DuPont's natural resources would be permitted for the benefit of a private enterprise. We

must maintain the integrity and biodiversity of our ecosystem for the benefit of current and future generations of humans and wildlife and, therefore, I urge you to deny approval of the mine expansion.

Thank you,

Lynn Okita, Bell Hill

**From:** Carol Oliver <rninwa@gmail.com>
**Sent:** Saturday, June 28, 2025 8:05 AM
**To:** Barbara Kincaid
**Subject:** Oppose Pioneer Aggregates Mine Expansion- PLNG2021-006

Dear Hearing Examiner,
I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).
City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."
Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:
• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs
• Vashon Aquifer levels dropping 8+ feet permanently
• Multiple wetlands losing 1-3 feet of water forever
• Creek temperatures getting too hot for fish survival
• Seep wetlands along the creek ravine disrupted permanently
The EIS states the restoration plan "would likely NOT mitigate these impacts."
The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:
• Failure to properly identify tribal cultural resources
• Violation of tribal consultation requirements
• No adequate mitigation for impacts to sacred sites
How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?
The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.
How can you approve a project that:
• Violates city law (Comprehensive Plan AND Critical Area Ordinance)
• Requires fixing damage scientists say CANNOT be fixed?
• Demands impossible mitigation conditions?
This is legally impossible. DENY the approval.

Sincerely,

Carol Oliver
1432 Rooklidge St, DuPont, WA 98327

**From:** Jim Oliver <olivers1@earthlink.net>
**Sent:** Friday, June 27, 2025 5:00 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,
I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).
City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."
Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:
• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs • Vashon Aquifer levels dropping 8+ feet permanently • Multiple wetlands losing 1-3 feet of water forever • Creek temperatures getting too hot for fish survival • Seep wetlands along the creek ravine disrupted permanently The EIS states the restoration plan "would likely NOT mitigate these impacts."
The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:
• Failure to properly identify tribal cultural resources • Violation of tribal consultation requirements • No adequate mitigation for impacts to sacred sites How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?
The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.
How can you approve a project that:
• Violates city law (Comprehensive Plan AND Critical Area Ordinance) • Requires fixing damage scientists say CANNOT be fixed?
• Demands impossible mitigation conditions?
This is legally impossible. DENY the approval.
Sincerely,
James Oliver
1432 Rooklidge St
DuPont, WA 98327
253-677-6959 olivers1@earthlink.net

**From:** trenap60@gmail.com
**Sent:** Friday, June 27, 2025 12:23 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).
City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."
Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:
• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs
• Vashon Aquifer levels dropping 8+ feet permanently
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• Creek temperatures getting too hot for fish survival
• Seep wetlands along the creek ravine disrupted permanently
The EIS states the restoration plan "would likely NOT mitigate these impacts."
The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:
• Failure to properly identify tribal cultural resources
• Violation of tribal consultation requirements
• No adequate mitigation for impacts to sacred sites
How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?
The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.
How can you approve a project that:
• Violates city law (Comprehensive Plan AND Critical Area Ordinance)
• Requires fixing damage scientists say CANNOT be fixed?
• Demands impossible mitigation conditions?
This is legally impossible. DENY the approval.
Sincerely,
Trena Payton
1295 Bell Hill Place
253-964-1745

**From:** Chris Piatt <chris@evanspiatt.com>
**Sent:** Tuesday, June 24, 2025 11:34 PM
**To:** Barbara Kincaid
**Cc:** Christine Piatt
**Subject:** Pioneer Aggregates South Parcel Mine Expansion Comments
**Attachments:** Pioneer Aggregates South Parcel Mine Expansion Comments.pdf

Dear Ms. Kincaid,

I attempted to submit my comments online through Clover Creek Restoration Alliance via ActionNetwork.org, however I'm not sure that worked. Just to be thorough, I'm also sending the attached comments directly to you. Please accept my apologies if this is a duplicate for you.

Best regards,
Christine Piatt


***Christine Piatt***
*chris@evanspiatt.com*
*253-228-2210*

To: City of DuPont Hearing Examiner

From: Christine Piatt,
Lakewood, WA
chris@evanspiatt.com

Re: Public Comment on Pioneer Aggregates South Parcel Mine Expansion Project

Date: June 24, 2025

I'm writing in opposition to the proposed gravel mine expansion in Dupont, Washington. This plan includes lowering the groundwater table in a large, important, beautiful and ecologically sensitive watershed of our Puget Sound area. It would both change water levels and pathways, and leave bodies of water physically disconnected. In addition a large number of trees would be cut down. The cumulative changes to the environment would effectively eliminate many acres of forest and marsh, disrupt salmon habitat, counter decades of salmon restoration and orca recovery efforts, and forever change the complex and magnificent ecosystem that nature has provided for us.

Besides just being wrong and harmful, these impacts violate the City of DuPont's policies, which mandate no net loss of wetland and stream functions. The mitigation efforts that are being offered are seriously inadequate to address the scope of damage being proposed by the mining company. They are offered by people and organizations that openly admit they do not have enough information or knowledge to predict what the true impact of the mining operation will be. Also importantly, they lack awareness and consideration of indigenous tribal cultural traditions and resources that would be affected.

Chris Wright, one of the city expert consultants, said in his testimony that the city has identified possible changes to the watershed that have the potential to affect offsite wetlands, and that it isn't understood at this point what the extent of that impact would be and whether it would be significant. He concluded in response to questioning that not knowing the extent of what those changes will be, he could not say that they will be fully mitigated. John Small, the consultant involved in the wetlands

assessments and the impacts on fisheries, plants, and animals, said in his testimony that there will be water loss and fluctuations, and it's unknown if there will be a significant decrease in wetland function, and if there will be periods of time when the water level is low for long enough to kill existing vegetation. He said in response to questioning that the mitigation, if that happens, would be to bring in different types of plants that would grow in the drier conditions. That this would be considered mitigation disturbs me. It doesn't seem based on a good understanding or appreciation of how ecosystems and biodiversity work.

In summary, I fear that what the Pioneer Aggregates Gravel Mine is proposing would compromise our watershed, perhaps beyond repair, and threaten the long term health of this amazing natural environment. The studies and the mitigation plan offered do not do justice to the complexity and value of nature in its totality. We have the chance to save the last remaining forest area of Sequalitchew Creek. Please do not allow the destruction of this unique natural resource. Protect our water, our forests, our wetlands, and the wildlife that is part of its web of life, including salmon, orcas, western gray squirrels, bats and birds. Reject this proposal.

Thank you for the chance to offer public comment. Please enter these comments into the record.

**From:** Kathy Preston <klprestonwa@gmail.com>
**Sent:** Tuesday, June 24, 2025 7:31 PM
**To:** Barbara Kincaid
**Subject:** LETTER FOR HEARING ESXAMINER CONCERNING SEPA VIOLATIONS

It has been brought to my attention that there have been violations of state law that threaten our DuPont environmental protections. Apparently, the City of DoPnt secretly changed environmental impact findings from "significant damage" to "minor impacts" the night before CalPortland's mine hearing without revealing the changes to the public until the CalPortland lawyer referenced it at the end of the hearing. This broke Washington State environmental law. This violates RCW 43.21C.030. WAC 197-11-560 was also violated when Dupont's own water consultant testified he "can't comment' on legal requirements he helped evaluate, while other experts contradicted the official environmental findings they wrote.This is illegal under state regulations establishing Final EIS as binding.

I demand these procedural violations be addressed before any decision is made. These aren't just procedural concerns, they are violations of Washington state law.

Concerned DuPont Citizen
Kathryn Preston
1907 Braget St
Dupont, WA 98327
360-292-2558
klprestonwa@gmail.com

**From:** Don Russell <krdr1juno@gmail.com>
**Sent:** Saturday, June 28, 2025 5:33 AM
**To:** Renee Buck
**Cc:** Beth Elliott; Barbara Kincaid
**Subject:** Just how long I have been on the CalPortland dewatering issue
**Attachments:** DR letter to HE 1-13-2009.pdf; DR 2-25-2009 letter opposing dewatering.pdf

Renee,

See attached

Don

February 13, 2009

DuPont Hearing Examiner
303 Barksdale Avenue
DuPont, Washington
98327

Subject: Pioneer Aggregate-Glacier Northwest Mine Expansion

Dear Hearing Examiner:

Contained herein and in the attached document are reasons why Bill Kingman's, DuPont Planning Department, and David Sherrard's, Parametrix, Inc., recommendation of approval of Glacier Northwest's Pioneer aggregate mine expansion proposal with conditions should not be approved by the DuPont Hearing Examiner.

Glacier Northwest's proposed gravel mine expansion requires, and is contingent upon, exposing and dewatering the Vashon aquifer so that mining operations can be conducted under dry mine working conditions. This would require that 6.5 million gallons per day of discharging Vashon aquifer groundwater be removed from the mine and disposed of in some fashion. Two options were proposed for disposing of this quantity of mine drainage water. One option was the creation of a 4,000 foot long interceptor channel that would convey drainage from the mine through an excavation (cut) in the Sequalitchew Creek Canyon wall for discharge into Sequalitchew Creek. This option was euphemistically called construction of North Sequalitchew Creek. The other option for disposing of mine drainage water was construction of a gravel filled interceptor ditch and buried 5,000 feet long groundwater conveyance pipeline. The down gradient 500 feet of this pipeline would be microbored (tunneled) through the existing north wall of the Sequalitchew Creek Canyon. As in the first option, 6.5 million gallons per day of mine drainage conveyed by this pipeline would be discharged into Sequalitchew Creek. The current flow in Sequalitchew Creek at the proposed point of mine water discharge is approximately 1 cubic foot per second. Mine water discharge flow into Sequalitchew Creek from either option would be from 8 to 10 cubic feet per second. This volume and velocity of discharge water entering the Creek would require construction of a rock pad and flow dissipater structure within Sequalitchew Creek proper to prevent scouring of the creek bed and adjacent Canyon walls. Dewatering the Vashon aquifer at the expanded mine site would lower the groundwater table in the vicinity of Sequalitchew Creek to the extent that groundwater discharge into the middle reach of Sequalitchew Creek would be diminished and its flow above the mine drainage discharge point reduced to half its present flow with adverse impact on stream dependent vegetation, fish and wildlife.

Excavating the Sequalitchew Canyon wall or boring through the wall to install a 500 foot pipe to facilitate the discharge of 6.5 million gallons per day of mine drainage water into Sequalitchew Creek, constructing a rock pad and flow dissipater structure in the Creek and reducing natural groundwater discharge into the middle reach of Sequalitchew Creek all constitute significant, and permanent, adverse environmental impacts in historic

Sequalitchew Creek Canyon and in the Creek itself, and therefore should not be allowed under DuPont's sensitive area ordinances.

The mitigation that Glacier Northwest proposed for the destruction of Kettle Wetlands and Seep and Riparian Forest, the adverse environmental impacts on Old Fort Lake, Pond Lake and Edmond Marsh caused by groundwater table drawdown (a result of Glacier Northwest's dewatering the Vashon aquifer), and degradation in the appearance, character and natural functioning of lower Sequalitchew Creek and its associated brackish marsh was to add features to the mine drainage interceptor channel so that it would resemble, though likely not function, as a salmon bearing stream. Additional mitigation that Glacier Northwest proposed was construction of an adjacent 5.5 acres of scrub-shrub wetlands, which are of little use to salmon. The only mitigation proposed by Glacier Northwest for construction of the gravel filled interceptor ditch and 5,000 foot long pipeline option was a dubious claim that it would enhanced salmon habitat in Sequalitchew Creek below the point of its mine drainage water discharge into the Creek.

Kingman and Sherrard rejected approval of Glacier Northwest's North Sequalitchew Creek option on the basis that removal of a section of the north wall of the Sequalitchew Creek Canyon would violate the provisions of a settlement of a law suit that involved a number of interested parties. That settlement stipulated that the historic condition of the Sequalitchew Creek Canyon (and its sensitive areas) would not be impacted by any subsequent gravel mining operations.

In a curious, and fortuitous for Glacier Northwest, turn of events Kingman and Sherrard recommended approval of the so called North Sequalitchew Creek mine dewatering and drainage option, provided that this option incorporate a 500 foot pipe bored through the north bank of the Canyon wall in lieu of its being excavated. The result of this recommended conditioned approval, if permitted, would allow construction of a 3,500 foot long groundwater interception channel in the mine pit with its down stream discharge being conveyed to Sequalitchew Creek through a 500 foot pipe that has been microbored through the north wall of Sequalitchew Creek Canyon. The end of the pipe with its 8 to 10 cubic feet per second of mine drainage flow, the rock pad and flow dissipater structure would all be evident in the Sequalitchew Creek Canyon and thus likely be in violation of the no gravel mine impact provision of the existing Sequalitchew Creek Canyon settlement. In a twist of irony, this no mining activity impact allowed in Sequalitchew Canyon provision of the settlement was the basis for Kingman's and Sherrard's prohibiting excavating a cut through the Canyon wall.

Approving Glacier Northwest's proposal as conditioned to dewatering the Vashon aquifer in order to increase its take of gravel will result in lowering the groundwater table throughout the American Lake/Sequalitchew Creek watershed with widespread adverse environmental impacts and will preclude restoring its natural functioning as noted in the attachment. Glacier Northwest should not be permitted to expand their gravel mining operations as currently proposed and conditioned by Kingman and Sharrard.

Don Russell

2/25/2009

# DUPONT'S APPROVAL OF GLACIER NORTHWEST'S MINE EXPANSION

## Preface

This paper is in response to Bill Kingman's, DuPont Planning Department and David Sherrard's, Parametrix, Inc, January 16, 2009 recommendation of approval for Glacier Northwest, Pioneer Aggregate Mine Expansion project, subject to DuPont's conditions. It first describes the natural (historic) condition of the American Lake-Sequalitchew Creek watershed. It then identifies the human impacts that have resulted in its degradation. This is followed by a discussion of the irreversible environmental damage that the proposed mine expansion project would have on this watershed. And it concludes with a discussion of how the American Lake-Sequalitchew Lake ecosystem could be restored.

Kingman and Sherrard advance the notion that the construction of an artificial North Fork of Sequalitchew Creek and adjacent 5.5 acres of scrub-shrub wetlands, plus the removal of invasive vegetation and planting of native vegetation in Edmond Marsh, constitute adequate mitigation for dewatering the Vashon aquifer that sustains, and maintains, the health of the upland springs, wetlands, streams and lakes of the American Lake-Sequalitchew Creek watershed. This paper presents a rationale as to why Glacier Northwest should be denied a permit to dewater the aquifer that sustains this fragile ecosystem. It makes the claim that no amount of mitigation by Glacier Northwest, should they be permitted to dewater the Vashon aquifer, will protect or preserve what little of the remaining natural condition and functioning of this watershed still exists. This paper also makes the claim that dewatering the Vashon aquifer will preclude successful restoration of the natural condition and functioning of the American Lake-Sequalitchew Creek watershed.

## The Natural Condition of the American Lake/Sequalitchew Creek Watershed

Sequalitchew Creek is located within the Chambers-Clover Washington State Water Resources Area 12 (WRIA 12). WRIA 12 is comprised of a number of sub-basin watersheds. The best known of these is the Chambers-Clover Creek Basin which is comprised of several sub-basins. Not as well known is the American Lake sub-basin. Just as Chambers Creek is the surface water drainage stream to Puget Sound for Clover Creek, Sequalitchew Creek is the surface water drainage stream to Puget Sound for the American Lake sub-basin. [See the Chambers-Clover Technical Assessment Final Report, April 10, 2003, Figure 1.1 Base Map]

Contrary to Glacier Northwest's assertion that the headwaters of Sequalitchew Creek is Edmonds Marsh, the headwaters of Sequalitchew Creek is Murray Creek (formerly called Upper Sequalitchew Creek) which flows into American Lake, the largest natural lake in Pierce County. American Lake has a surface water level significantly higher (by 20 feet) than that of Sequalitchew Lake. Because of this difference in lake levels, their close proximity and intervening porous gravel soil there is considerable subsurface (groundwater) flow from American Lake to Sequalitchew Springs and Sequalitchew Lake.

Occasionally, as a result of high groundwater levels, there is surface water flow from American Lake to Sequalitchew Lake. Surface water outflow from Sequalitchew Lake, supplemented by localized groundwater discharge from the Vashon aquifer, provided the water that sustained an extensive complex of Class I wetlands and Sequalitchew Creek.

The source of water that sustained and nourished the American Lake-Sequalitchew Creek watershed (ecosystem) was precipitation in the form of rainfall. The shallow gradient of this watershed and its permeable soils allowed precipitation to infiltrate into the ground where it fell rather than run off into its streams, wetlands and lakes. Several natural water conditioning processes were important to the proper functioning of this watershed. Precipitation falling on vegetated soil was cleansed of airborne pollutants (oxides of nitrogen, phosphorus and sulfur) as a result of their being assimilated by plants and adsorbed to fine grained topsoil particles. These airborne pollutants were primarily from volcanic eruptions, naturally occurring forest fires and the burning of grasslands by native Americans. Infiltrating rainwater percolating through topsoil beneath the vegetative cover picked up respired carbon dioxide from soil bacteria. This functioned to impart a degree of acidity to infiltrating rain water. Mildly acidic water percolating through underlying soil dissolved calcium from gravel deposits to form water soluble calcium bicarbonate. Calcium ions in water moderate fish gill function and must be present in appropriate concentration to assure proper functioning of gill tissue. Bicarbonate ions functioned as important buffers. Buffers prevent water from becoming either too acidic or too alkaline to support salmon. Chemically conditioned infiltrating water became the substance that comprised the Vashon aquifer. The gravel deposits of the Vashon aquifer functioned as a sponge that both stored groundwater and slowly released (discharged) it to springs, streams, wetlands and lakes. Vashon aquifer groundwater discharge was the natural and historic source of water for the springs, streams, wetlands and lakes in the American Lake-Sequalitchew Creek watershed.

Groundwater is insulated from the effects of fluctuations in surface temperature. Its temperature stabilizes and remains at approximately 50 degrees F throughout the entire season. Groundwater, under the influence of gravity, flows slowly through gravel soils from areas of higher elevation to areas of lower elevation. It ultimately surfaces (discharges) with its physical (low temperature) and chemical (calcium and bicarbonate) properties intact to become the water that flows from a spring or becomes the water in a salmon friendly stream, wetland, or lake, or discharges subsurface into Puget Sound. Salmon evolved, and thrived, in clean, cool, well oxygenated, calcium rich and buffered fresh water habitats. Eventually salmon commenced migrating to saltwater where food was more plentiful than in their freshwater habitat. Making a transition from a fresh water environment to salt water environment and the reverse requires major physiological changes in the functioning of fish gills. This transition takes time and is facilitated by salmon spending time in the fresh-salt (brackish) water estuaries which were located at the mouth of all salmon bearing streams.

There are natural seasonal and long term fluctuations in the amount of precipitation falling on the American Lake/Sequalitchew Creek watershed. These fluctuations affect groundwater levels. During the wet season, or prolonged periods of precipitation,

groundwater levels are high (as a result of recharge) as is groundwater discharge to springs, stream, wetlands and lakes. During the dry season, or periods of drought, groundwater levels are low which diminishes the volume of groundwater discharged to springs, streams, wetlands and lakes. Under extremely dry conditions (or as a result of humans limiting the amount of infiltration of precipitation to groundwater or withdrawal of groundwater for consumption) streams, wetlands and lakes can loose their connectivity with groundwater. When this occurs water from surface water bodies will infiltration (leak) into adjacent and underlying unsaturated soils with the result that spring and stream flows diminish or disappear all together and wetland and lake levels drop, or result in their drying up completely, with adverse effects on native species of vegetation, fish, and wildlife. It is this condition, whether naturally occurring or brought about by human impact, that favors the displacement of native vegetation and establishment of invasive species.

Under natural (historic) conditions wet season increase in groundwater discharge to streams, wetlands and lakes had several desirable effects. It increased stream flows sufficiently to provide salmon access to suitable spawning habitat. Increased groundwater discharge into streams back flushed (dislodged) the fine grained sediments that had accumulated in the stream bed during dry season low flow periods. Re-suspended sediment particles were flushed out of the system by stream flows enhanced by contributions from groundwater flooded upstream wetlands and lakes. Stream beds cleansed of silt by this natural process provided salmon optimum stream bed conditions for spawning. During the dry season cool, dissolved oxygen and calcium enriched, and buffered groundwater discharging into streams, wetlands and lakes provided optimal environmental conditions for salmon egg survival and the rearing of young salmon.

Prior to 1850 the natural conditions and watershed functions described above prevailed throughout the American Lake/Sequalitchew Creek watershed. Sequalitchew Creek was a perennial stream with a discharge of from 10 to 20 cfs that flowed into a fresh-salt water estuary. As a result the American Lake/Sequalitchew Creek watershed was home for coho, sockeye and chum salmon, sea run cutthroat trout and steelhead (rainbow trout) and supported a viable Indian fishery. All this began to changed when white European settlers arrived in this area and began to "develop" the American Lake/Sequalitchew Creek watershed

**Degradation of the American Lake/Sequalitchew Creek Watershed**

In the middle 1800s and early 1900s the American Lake-Sequalitchew Creek watershed was adversely affected by timber harvesting in the Sequalitchew Canyon. This led to instability of its canyon walls and increased silting of the lower reach of Sequalitchew Creek. This condition was exacerbated when the fresh-salt water estuary at the mouth of Sequalitchew Creek was transected by a railroad bed. A five by five foot culvert was constructed to allow water exchange between Sequalitchew Creek and Puget Sound. The constriction in water flow caused by the undersized culvert allowed silt to accumulate and eventually fill in the upper portion of the fresh-salt water estuary thus destroying its function as a salt-to-fresh/fresh-to-salt water transition zone for salmon.

In 1916 when Fort Lewis was being developed American Lake's level was 239 feet above msl. [TNT article 10/8/51] American Lake is a major source of recharge to the Vashon aquifer during the dry season. It also provides a prolific subsurface flow to down gradient Sequalitchew Springs. As part of the development of Fort Lewis the Army Corps of Engineers tapped Sequalitchew Springs as the domestic water source for personnel serving on the Army base. After domestic use most of the water withdrawn from Sequalitchew Springs was returned (as recharge) to the Vashon aquifer by way of infiltration from septic systems. Thus there was little adverse effect on groundwater levels and impact on the watershed as a result of the Army's consumptive use of Sequalitchew Springs water. Later, however, water withdrawn from Sequalitchew Springs would, after its use, enter sewer lines and be conveyed to the Army's Solo Point sewage treatment plant for discharge into Puget Sound. Thus Vashon aquifer recharge in the Sequalitchew Creek basin was diminished as was groundwater table level.

American Lake's shoreline, not owned by Fort Lewis, Camp Murray and the Veterans Hospital, was extensively developed during the period from 1920 through the 1940's. This development took place during a period of below average precipitation in the American Lake watershed when the lake had dropped and remained below 235 feet above msl. Whereas old time residents who were familiar with the natural seasonal and decadal rise and fall of American Lake level built their homes upland from the lake, newcomers to American Lake built their homes close to the lake shore.

In 1951, as a result of several years of increasing precipitation, American Lake level rose to 237 feet above msl. The result was extensive groundwater flooding of shoreline homes and septic systems around the lake that had been built during the period of low water. Lakeshore residents complained and asked the U.S. Army Corps of Engineers to construct a groundwater flood control structure at their end of the lake that would prevent groundwater flooding damage to lake side homes and septic systems. The Army's position at that time was that it had no responsibility to mitigate the impact of high lake water level. Their argument was that the lake level in 1951was two feet below the 239 foot above msl level that existed when the Army first began developing Fort Lewis in 1916 and that the lake level rise to 237 feet above msl was a natural condition.

Extensive groundwater flooding in the American Lake-Sequalitchew Creek watershed occurred again in 1956. [TNT article 1/10/56] This time the groundwater flooding adversely affected properties owned by the Army, notably their Sequalitchew Springs domestic water works and some of the Army facilities that had been constructed near wetlands during the 1920 to 1950 period of low groundwater levels. 1956's groundwater flooding of wetlands located near these facilities was exacerbated by the Army's practice of conveying surface water runoff from impervious surfaces to these wetlands. The impact of draining surface water runoff to wetlands and superimposing it on ground water flooded wetlands was a sobering new experience for the people at Fort Lewis.

In response to 1956's ground and surface water flooding event the U.S. Army constructed a groundwater flood control weir at the south end of American Lake. It was designed to

prevent American Lake level from exceeding 233 feet above msl. It also constructed a means of controlling Sequalitchew Lake's level so that it could no longer rise to levels that would endanger its Sequalitchew Springs domestic water supply. Provisions were also made to control the water level in wetlands located in close proximity of Army facilities constructed during the period of low groundwater levels. The flood control structure that was built to deal with these two issues was comprised of a weir complex at the south end of Sequalitchew Lake and a flood water diversion canal. The purpose of these two structures was to convey flood water affecting Sequalitchew Lake and related marshes to Puget Sound, yet still provide headwater flow for Sequalitchew Creek. Under natural conditions the surface flood water routed to Puget Sound via the diversion canal would have infiltrated into permeable soils to recharge the Vashon aquifer and thus sustain the groundwater level (water table) necessary to maintain the proper functioning of Edmond Marsh and Sequalitchew Creek. Unfortunately the diversion canal as now operated has functioned to "dewater" (by lowering the water table) the upper reach of Sequalitchew Creek and reduced water levels in Edmond Marsh and related wetlands.

Lowering American Lake's water level from 239 to 233 feet above msl, withdrawing groundwater from Sequalitchew Springs to meet the U. S. Army's need for a domestic water supply, diverted Sequalitchew Springs water, after use, to the Solo Point sewage treatment plant for discharge to Puget Sound, increasing impervious surfaces thus reducing groundwater recharge, diverting most of Sequalitchew Lake's and related wetlands' groundwater contribution and surface water runoff down the diversion canal to Puget Sound all conspired to lower mean groundwater levels throughout the American Lake/Sequalitchew Creek watershed by approximately six feet over a span of 100 years. The cumulative effect of these actions reduced historic Sequalitchew Creek perennial flow to Puget Sound from 10 to 20 cfs to 1 to 2 cfs.

The practice of using natural and historic wetlands as surface water runoff treatment, detention and infiltration ponds has contributed significantly to the degradation of the American Lake-Sequalitchew Creek watershed. When surface water runoff is introduced into groundwater fed streams, wetlands and lakes it changes the physical and chemical properties of their water and alters their biological response in ways that degrade their natural functioning and suitability as fish and wildlife habitat. What occurs is a dramatic increase in the range of water levels fluctuations (e.g., streams and wetlands experience alternating periods of flooding and drying), anoxic and toxic bottom sediments build up as a result of accumulations of particulate matter conveyed by surface water runoff, water stagnates leading to dry season high water temperatures and low dissolved oxygen, fish and amphibian kills occur, native plants, fish and wildlife are displaced by invasive species, toxic algae blooms occur in ponds and lakes and estuaries are lost due to sediment build up and pollution. These water quality problems are now prevalent throughout much of the Chambers-Clover Creek watershed and are of particular concern when considering the likely fate of the American Lake-Sequalitchew Creek ecosystem should Glacier Northwest be permitted to dewater the Vashon aquifer.

In summary, man's past activities in the American Lake/Sequalitchew Lake watershed has resulted in lower groundwater levels. As a result groundwater connectivity with

springs, streams, wetlands and lakes has been either compromised or lost. Furthermore human activity in the watershed has resulted in the pollution of streams, wetlands, lakes, and estuaries, and the groundwater source upon which these surface water bodies depend for their natural functioning.

**Glacier Northwest's Motivation for Dewatering the Aquifer in the Gravel Mine**

The motivation on the part of Glacier Northwest for dewatering the aquifer is clear. It is to increase its take of gravel from the mine and to do so under relatively dry working conditions. In order to assure citizens that dewatering the aquifer would not degrade historic Sequalitchew Creek, and gain the support of the Nisqually Tribe, Glacier Northwest engaged consultants to develop and document a rationale that would support the notion that Glacier Northwest's dewatering of the aquifer would have a favorable environmental impact on lower Sequalitchew Creek that would far outweighed any adverse environmental impact on upland Sequalitchew Creek, Edmond Marsh, Sequalitchew Lake and Sequalitchew Springs. The promised environmental mitigation for Glacier Northwest's further degradation of historic Sequalitchew Creek (by dewatering the Vashon aquifer) is construction of a groundwater interception and diversion channel (seductively named North Fork Sequalitchew Creek) that would flow to lower Sequalitchew Creek. Their claim is that this constructed stream, with associated scrub-shrub wetlands, would enhance lower Sequalitchew Creek's flow and provide suitable habitat for salmon and sea run trout species. The EIS done by Glacier Northwest and its consultants was drafted with this objective in mind and should be viewed in this context. Unfortunately Kingman's and Sherrard's recommendation that Glacier Northwest's proposal be approved, with minor modification (mitigation), is based upon inadequate, incomplete and biased information which is contained in the EIS provide by Glacier Northwest about the likely environmental impact of its proposal on the functioning of the American Lake-Sequalitchew Creek watershed.

**Glacier Northwest's Proposed Gravel Mine Expansion**

Glacier Northwest's proposed 177-acre gravel mine expansion will involve the removal of 184 acres of forest and topsoil. It will create a 550-acre hole in the underlying gravel as 40 million tons of gravel is extracted over the next 14 years. The pit will be 80 feet deep and will require dewatering the Vashon aquifer to avail itself of this much gravel. The flow from this exposed aquifer (estimated at approximately 6.5 million gallons per day) will be directed down a constructed groundwater diversion channel (North Fork of Sequalitchew Creek) to the lower reach of Sequalitchew Creek with a flow eight times that of present Sequalitchew Creek. Dewatering the aquifer will lower the groundwater level in the vicinity of the mine by as much as 30 feet and is anticipated to lower groundwater levels beneath upper Sequalitchew Creek and water levels at Edmond Marsh and Sequalitchew Springs by lesser amounts.

Glacier claims that this dewatering of the exposed aquifer will reduce groundwater levels by 3 inches at Sequalitchew Springs which supply Fort Lewis with its drinking water. It would cut in half the flows in the groundwater fed middle reach of Sequalitchew Creek.

The upper reach already frequently runs dry during the summer months as a result of low groundwater level, i.e., water table. DuPont is concerned about this project's impact on culturally and environmentally important Edmond Marsh. Glacier claims that lowering the water table by 18 inches will not adversely impact Edmonds Marsh. Glacier also claims that DuPont's drinking water wells should not be adversely affected.

**Commentary on Glacier Northwest's Proposal and City of DuPont's Approval**

On January 16, 2009 DuPont's Community Development Department recommended approval of [Glacier Northwest's] proposed aggregate mine expansion with conditions. The approval would allow/require:

1. Expansion of aggregate removal throughout the 177 acres proposed.

2. Groundwater aquifer dewatering to lower the water table for access to additional aggregate.

3. Mitigation for potential groundwater aquifer drawdown impacts on Edmonds Marsh.

4. Removal of the "Kettle Wetland"

5. Displacement of wetland functions at the Seep and Riparian wetlands.

6. Mitigation for potential impacts on public water supplies provided by groundwater

The approval would not allow the evacuation of the north side of the existing Sequalitchew Creek ravine but would, instead, require installation of a micro-bored pipeline approximately 500 feet long.

The rationale offered to justify approval of Glacier Northwest's proposed actions, as modified by DuPont's conditions, and this author's argument against approving Glacier Northwest's proposed actions, as modified by DuPont's conditions, follows.

<u>Removal of 184 Acres of Forest and Top Soil and 40 Million Tons of Underlying Gravel</u>

The removal of 184 acres of forests and topsoil would destroy wildlife habitat and the cleansing function (assimilation of nitrates, phosphates and pollutants) performed by vegetative cover. It would destroy the cleansing function (adsorption of phosphates and toxic metals) performed by top soil fine grained particles and the water conditioning function of respiring soil bacteria (carbon dioxide acidification). It would remove 40 million tons of underlying gravel that is the source of calcium and bicarbonate that are essential requirements for salmon, and become available to them when groundwater is discharged into streams, wetlands and lakes. It would eliminate a large reservoir of groundwater that would have otherwise been retained (stored and time released) in the gravel that is to be removed. And, it would breach the gravel "dam" that holds back and maintains the current (but degraded) groundwater level (water table) that sustains "Kettle

Wetland", the Seep and Riparian Forest, Sequalitchew Springs, Sequalitchew Lake, Old Fort Lake, Pond Lake, Edmond Marsh (and related wetlands) and Sequalitchew Creek.

Groundwater Aquifer Dewatering to Lower the Water Table for Access to Additional Aggregate

The allowed use was to mine gravel, not destroy sensitive areas that are dependent upon their connectivity with groundwater for their continued existence and ongoing sustenance. The destruction of "Kettle Wetland" and the Seep and Riparian Forest certainly modifies sensitive areas within the mine proper. Dewatering the aquifer also modifies sensitive areas far outside the confines of the mine (as noted above), all of which would otherwise be prohibited or require effective mitigation under sensitive area ordinances. The sole mitigation proposed by Glacier Northwest for dewatering the aquifer is construction of an artificial North Fork of Sequalitchew Creek and construction of associated wetlands. The constructed stream bed would rest on till which would reduce water loss due to infiltration, however it would effectively negate the stream bed as suitable salmon spawning habitat. The constructed wetlands proposed are of the scrub-shrub type that do not provide off channel habitat for coho salmon rearing and therefore don't make up for the loss of Edmond Marsh off channel habitat that will be caused by dewatering the Vashon aquifer. North Fork water and its impact on Sequalitchew Canyon walls will add considerably to the silt load that has already filled in and destroyed the estuary at the mouth of Sequalitchew Creek upstream of the railroad embankment. As mentioned above, fresh-salt water estuaries are essential in facilitating a salmon's salt-to-fresh or fresh-to-salt water transition. Apparently DuPont feels that construction of a so called North Fork of Sequalitchew Creek (in reality a Vashon aquifer dewatering collection and drainage channel) is adequate mitigation, with conditions, for Glacier Northwest's proposed expansion of its gravel mine. DuPont conditioned this proposed mitigation by requiring that the north wall of the Sequalitchew Canyon not be removed but instead be breached by a 500 foot long pipe. This pipeline would render the upstream (daylighted) portion of the constructed groundwater drainage channel (North Fork) all but useless as salmon habitat. It is interesting to note that Herrera's 2005 Technical Report included, as an alternative to construction of a North Fork of Sequalitchew Creek, a gravel filled interceptor ditch and a buried conveyance pipeline 5,000 feet long, with its down gradient 500 feet micro- tunneled through the berm (Canyon wall). Groundwater seepage from the mine would discharge into Sequalitchew Creek at the point envisioned for North Fork discharge. DuPont's condition appears to attempt to combine features from both the North Fork Sequalitchew Creek and gravel filled interceptor ditch mitigation proposal neither of which provide suitable habitat for salmon.

Mitigation for Potential Aquifer Drawdown Impacts on Edmond Marsh

Glacier Northwest's proposal claims that the projected groundwater table draw down as a result of its dewatering the Vashon aquifer will be 18 inches at the west end of Edmonds Marsh. It also claims that Edmond Marsh should not be impacted by this water table drawdown because the Marsh is supplied by surface water, not groundwater.

The natural condition of Edmond Marsh was that of a groundwater supplied and stream connected wetland that provided optimum off channel habitat for rearing young salmon and a necessary dry season refuge (with its cool, well oxygenated, calcium and bicarbonate enriched water) for young salmon, trout and other forms of resident aquatic life.

Glacier Northwest's position is that even if there was an impact it would be inconsequential when compared to the water level fluctuations caused by variation in the amount of surface water input that Edmond Marsh receives.

The surface water source to which Glacier Northwest refers is surface water runoff from impervious surfaces, which is an unnatural and highly fluctuating source. Glacier Northwest anticipates that the impact of groundwater drawdown will increase the period of low or no water in the Marsh during the dry season by 2 months (from 6 to 8 months). The groundwater model that was used to arrive at this drawdown figure is highly suspect in that it implies that the area of environmental impact that dewatering the Vashon aquifer is likely to have will be primarily confined to the west end of Edmond Marsh and the middle reach of Sequalitchew Creek. A similar groundwater model was used by Robinson & Noble, Inc. consultants for the Lakewood Water District to determine the drawdown that would occur as a result of withdrawing an additional 5.0 million gallons per day of groundwater from their existing wells [vs. Glacier Northwest's dewatering the Vashon aquifer at the rate of 6.5 million gallons per day]. The impact of this additional withdrawal extended from Lakewood all the way out to Fredrickson a distance of some 12 miles and the groundwater level drawdown was in multiple feet not inches. Edmond Marsh is located 1 mile from the mine dewatering site.

Glacier Northwest offered no mitigation in its proposal for the adverse environmental impacts that lowering the groundwater water table would have on other sensitive areas in the American Lake-Sequalitchew Creek watershed.

DuPont has conditioned its approval of Glacier Northwest's proposal by requiring that Glacier Northwest remove invasive vegetation and plant native vegetation in a small portion of Edmond Marsh. This mitigation will not begin to address the problems that will be created in Edmond Marsh by lowering groundwater levels by 18 inches. The effect of dewatering the Vashon aquifer will be to destroy much of Edmonds Marsh as suitable habitat for native plants, as well as for salmon rearing and wildlife. As is already evident by the infestation by reed canary grass in the shallow portions of Edmond Marsh a further lowering of the groundwater table beneath Edmond Marsh together with the flashy nature of surface water runoff will significantly increase the area of the Marsh inhabited by invasive species. Any native vegetation planted will not survive under the conditions created by 18 inches of groundwater drawdown and periodic influxes of surface water runoff.

Effective restoration of Edmond Marsh as a naturally functioning wetland will require management of groundwater levels so as to restore its connectivity with groundwater and the discontinuance of the practice of conveying untreated surface water runoff from

impervious surfaces into the Marsh. The alternating wetting and drying of wetlands not only destroys their function as fish and wildlife habitat, but also as nutrient, toxic metal and organic compound sinks. When subjected to alternate periods of wetting and drying wetlands become sources of nutrients (nitrates and phosphates) and toxic metal pollution that adversely affect surface and ground water quality.

Removal of the "Kettle Wetland"

It is interesting to reflect of the following words of Glacier Northwest: *The construction of North Sequalitchew Creek and the benefits resulting from the additional flow in lower Sequalitchew Creek cannot be accomplished with out removing* [Kettle Wetland and Seep Wetland]. *Furthermore, mining in the expansion area would dewater these wetlands regardless of whether the wetland and their buffers were mined.* Glacier Northwest claims, and apparently DuPont concurs that construction of a North Fork of Sequalitchew Creek and 5.5 acres of scrub-shrub wetland more than offsets the destruction of this natural and sensitive area. The track record of constructed wetland actually functioning as wetlands is very poor.

Displacement of Wetland Functions at the Seep and Riparian Wetlands

The proposal indicates that the natural functions at the Seep and Riparian Wetlands sensitive areas would be destroyed. The proposed mitigation for this destruction would consist of construction of the aforementioned 5.5 acres of scrub and shrub wetlands.

Mitigation in Case of Impacts on Public Water Supplies Provided by Groundwater

Glacier Northwest proposed no mitigation for the impact that dewatering the Vashon aquifer will likely have on public water supplies. DuPont states that should the groundwater drawdown resulting from Glacier Northwest's dewatering of the Vashon aquifer adversely impact Fort Lewis' Sequalitchew Springs domestic water source that the mitigation required would be for Glacier Northwest to replace Fort Lewis' domestic water source by constructing a well (or wells). This well (or wells) would withdraw water from an aquifer lying beneath the Vashon aquifer, i.e., from the sea level aquifer. This is impractical in several respects. Sea level aquifer water has a higher dissolved mineral content than water drawn from the Vashon aquifer and, in certain areas, has high concentrations of iron, manganese and arsenic. Operating and maintaining a deep well, acquiring and operating facilities to treat water containing high concentrations of iron and manganese, and possibly arsenic, would incur costs that are much higher than the costs of operating the existing Fort Lewis water works. And then there is the issue of obtaining a new water right for withdrawals from the sea level aquifer. Currently WRIA 12 is a closed basin in regard to the issuance of new water rights.

An unintended impact that could adversely affect DuPont's existing domestic water supply provided by groundwater is an increase in nitrate and toxic metal concentrations in groundwater. Alternating periods of wetting and drying wetland sediments result in the mineralization of organic matter. Nitrates and soluble forms of toxic metals are

produced as a result of mineralization of wetland sediments. Whereas DuPont's wells withdraw groundwater from an aquifer (the sea level aquifer) beneath the Vashon aquifer the till layer that separates the Vashon aquifer from the sea level aquifer is discontinuous, i.e., there are windows that permit Vashon aquifer water to flow down into the sea level aquifer carrying with it any pollutants contained in Vashon aquifer water. Nitrates and soluble forms of toxic metals are a health hazard to humans and therefore could threaten the quality of DuPont's groundwater supply.

Claim that Construction of an Enhanced Aquifer Dewatering Drainage Channel is Adequate Mitigation for the Watershed Degradation that Glacier Northwest's Aggregate Mine Expansion will Cause

Glacier Northwest's claim is that: *The new North Sequalitchew Creek will provide additional fish habitat and improve the water supply to the existing Sequalitchew Creek that will enhance spawning and rearing conditions for fish in the portions of the existing creek downstream of the confluence with the new stream.* The natural and historic condition of Sequalitchew Creek was that of a productive salmon bearing groundwater fed stream that allowed salmon to migration through fresh-salt water mixing zones (estuaries) from Puget Sound to Sequalitchew Lake, provided clean gravel spawning beds, offered off channel wetland habitat for the successful rearing of young salmon who require cool, dissolved oxygen rich, calcium and bicarbonate enhanced water during the dry season and adequate aquatic plants among which they can hide from their predators. Glacier Northwest's propose gravel mine expansion that features dewatering the Vashon aquifer will, if permitted, result in further degradation or destruction of the American Lake-Sequalitchew Creek watershed as desirable habitat for native plants, fish, wildlife and people.

Glacier Northwest's proposed aggregate expansion should be denied by DuPont and/or the Hearing Examiner on the basis that its execution, as proposed, will cause unintended, permanent and irreversible damage to environmentally sensitive areas in DuPont and throughout the American Lake-Sequalitchew Creek ecosystem.

The following excerpt from Puget Sound Partnership's 2020 Action Agenda seems a fitting way to conclude this section: *"The alteration and loss of habit and the ongoing input of pollution are the top two immediate and pervasive threats facing Puget Sound."*

**Restoration of Historic Sequalitchew Creek**

One of the six announced goals of the Puget Sound Partnership is: *"An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, wildlife, and the natural functions of the environment."*

In spite of the extent and magnitude of degradation that has occurred in the American Lake-Sequalitchew watershed during the past 150 years much of this degradation can be mitigated, i.e., its ecosystem can largely be restored. American Lake level can be raised from 233 feet to 235 feet above msl by simply raising the height of the south end weir by

two feet. The diversionary canal at the south west end of Sequalitchew should be used only to mitigate the occasional adverse impact of area wide surface and groundwater flooding. Discharge from Sequalitchew Lake and related wetlands should be allowed to either flow down Sequalitchew Creek or infiltrate to recharge groundwater rather than be lost to the watershed by its conveyance via the diversion canal to Puget Sound. Sequalitchew Spring domestic water supply can be returned to groundwater after use and treatment by allowing it to infiltrating and recharge the Vashon groundwater aquifer up gradient of I-5 rather than piping it to the Solo Point sewage treatment facility and subsequently discharging it into Puget Sound. This mitigation would provide the additional benefit of stopping the discharge of millions of gallons per year of nutrient rich effluent into already degraded South Puget Sound. The practice of using natural wetlands as surface water runoff detention, treatment, and infiltration ponds should be discontinued. These functions should be separated with detention and treatment being carried out in constructed and maintained detention and treatment ponds that function to remove sediments, nutrients and pollutants from surface water runoff. The cleansed surface water runoff could then be released to existing natural wetlands to maintain their natural hydrologic functioning. The former, but now sediment filled, brackish marsh at the mouth of Sequalitchew Creek could be restored as a salt-to-fresh and fresh-to-salt water transition zone for salmon by the removing the accumulated sediments that now render it ineffective for this purpose.

By restoring and maintaining near historic groundwater levels increases in steam flows and wetland and lake levels would follow. By protecting, maintaining and restoring native vegetation and top soil their water cleansing and conditioning functions would be restored. By preventing aquifer dewatering and gravel removal from sensitive areas their storage capacity and slow time release of cool clear, clean water into streams, wetlands and lakes would be sustained. If these things were done PSP's goal to *"... sustain people, fish, wildlife, and the natural functions of the environment."* would be realized in the American Lake-Sequalitchew Creek watershed.

**The Benefits of Restoring the Historic Sequalitchew Creek Corridor**

Restoration of the historic Sequalitchew Lake to Puget Sound salmon and wildlife corridor would provide the following benefits.

- Salmon access to their historic and natural spawning grounds and over-the-dry season salmon young (smolts) rearing habitats (i.e., groundwater fed marshes).

- In addition to restoration of chum and coho salmon runs there exists the possibility of restoration of sockeye salmon populations once access to groundwater fed Sequalitchew Lake is re-established.

- A restored and functioning salmon bearing stream running through the heart of the City of DuPont would enhance the City's attractiveness for residents and a major draw for tourists.

- The natural hydrology of the American Lake sub-watershed would be restored which would assure healthy and natural functioning of the many springs, streams, wetlands and lakes that comprise this watershed.

- Groundwater quantity and quality would improve as a result of restoration of the natural functioning of the extensive wetlands and the ponds and lakes than are features of this sub-watershed. Wetlands function to remove pollutants from surface water prior to its infiltrating to recharge underlying aquifers. They provide over-the-dry season refuge for young salmon. And they store and release surface water to recharge the aquifers (as do the ponds and lakes) upon which domestic water supplies depend during the dry season.

- There is far greater certainty that salmon would return in sustainable numbers, and much sooner, to a restored historic Sequalitchew Creek than they would to a degraded lower Sequalitchew Creek and brackish marsh and a constructed, and highly questionable, North Fork Sequalitchew Creek that can only be accessed by salmon passing through a 500 foot long pipe.

None of these benefits can be realized if Glacier Northwest is allowed to dewater the Vashon aquifer in order to increase its take from their DuPont gravel mine. There is simply no effective mitigation for the extensive removal of natural vegetation, top soil, and water bearing gravel soil and loss of hundreds of acres of upland Class 1 wetlands that Glacier Northwest's mine expansion and dewatering of the Vashon aquifer will cause.

**Conclusion**

The natural condition of the American Lake-Sequalitchew Creek watershed is best describe as its being a precipitation, infiltration, water conditioning, groundwater storage and discharge to surface water bodies hydrologic system. Surface water bodies reflected discharging groundwater physical and chemical attributes. Water in streams and lakes was cold, clear, devoid of excessive nutrients, toxic materials and sediments. Fluctuations in seasonal stream flows and wetland and lake levels were dampened (muted) as a result of the storage capacity and delayed response of groundwater discharge to variations in precipitation. Native plants, salmon and trout, amphibians, birds and wildlife evolved, were attuned to, thrived and their populations sustain in this environment.

In the past 150 years human activities have altered this natural condition. Groundwater recharge has been diminished as a result of impervious surfaces and the practice of draining surface, waste stream and flood water to Puget Sound. Groundwater has been polluted as a result of infiltrating untreated waste water (septic effluent) and runoff water into gravel soils. Groundwater withdrawals have increased to provide water for domestic and industrial consumption. As a result the natural functioning of the American Lake-Sequalitchew Creek has been degraded. Glacier Northwest proposes to further degrade this watershed. It should not be permitted to do so.

**From:** Don Russell <krdr1juno@gmail.com>
**Sent:** Tuesday, June 24, 2025 5:35 AM
**To:** Renee Buck
**Cc:** Sean Arent; Kirk Kirkland; Marianne Lincoln; Al Schmauder; Kurt Reidinger; Kim Underwood; Barbara Kincaid; Beth Elliott
**Subject:** Follow up on last night's phone conversation
**Attachments:** AN EXAMINATION AND EVALUATION OF ALTERNATIVE 2.1.6.docx

Renee,

You apparently wanted me to provide compelling legal arguments that would convince the Hearing Examiner to reject CalPortland's argument in support of dewatering the Vashon aquifer, find in favor of the City of DuPont's presumed desire to prevent the dewatering of the Vashon aquifer, and negotiate a more equitable and sustainable win-win arrangement in regard to the future beneficial use of the DuPont mined out gravel pit.

I previously submitted the attachment in this regard. I again attached it to this email for your review and submission to the City of DuPont's Hearing Examiner.

Best regards,

Don

## AN EXAMINATION AND EVALUATION OF ALTERNATIVE 2.1.6

### Preface

This paper examines and fatal flaw evaluates Alternative 2.1.6 Infiltrate Stormwater and Groundwater Discharges to Recharge Puget Sound Springs. It does so by reciting passages from the March 25, 2010 Draft Feasibility Study (in italics), providing evaluation commentary (in this print format) and offers a conclusion regarding its fatal flaw status.

### Relevant Passages and Commentary

*"The purpose of the Feasibility Study is to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."*

*"…surface water features within the Sequalitchew Creek basin are hydraulically connected and interact with the groundwater system."*

*"It is these mingled Vashon Aquifer and sea level aquifer waters that form the Puget Sound shoreline springs, referred to as the Large and Small Springs north of the mouth of Sequalitchew Creek."*

*"Groundwater discharges as springs and seeps in the lower Sequalitchew Creek…and provides the majority of creek baseflow which varies between approximately 0.5 cubic feet per second (cfs)(summer) and 1.5 cfs (winter).* Dewatering the Vashon aquifer and excavating gravel in the South Expansion Area at or below the elevation of the adjacent Sequalitchew Creek bed will cause diminishment or cessation of base flow in Sequalitchew Creek. This is clearly a violation of the no impact provision of the 1994 Agreement.

*"The post-mining groundwater discharge is predicted to average about 7 cfs and range seasonally from 6 to 9 cfs."*

*"A 1.78-acre kettle wetland is located in a large, closed depression that lies near the center of the existing mine site. The kettle wetland vegetation communities are relatively susceptible to changes in groundwater hydrology, which directly control water levels in the wetland."* Alternative 2.1.6 would eliminate this Class 2 wetland. Such an act would be in violation of a provision (25 foot buffer) of CalPortland's current mining permit and the City of DuPont's municipal code DMC 25.105.070.1(f).

*"West Edmond Marsh is an approximate 135-acre wetland with a hydraulic regime dominated by surface water inputs to the south and east."* Alternative 2.1.6 would impact this Class 1 wetland by lowering the groundwater level 1.5 feet beneath West Edmond Marsh. The City of DuPont's municipal code DMC 25.105.070.1(f) states that alteration of Class 1 wetlands is prohibited.

*"A 0.13-acre seep wetland complex of two long, very narrow, and non-contiguous wetlands is located just above the trail along Sequalitchew Creek at about RM 0.75 to 0.85."* Alternative 2.1.6 would disconnect this wetland complex from the groundwater source that sustains it. The elimination of this seep wetland complex would be in violation of DMC 25.105.070.1(f). Since the water that flows from this wetland discharges into Sequalitchew Creek such an act would be in violation of the 1994 Agreement.

*"The underlying zoning of the mine site is a mix of residential (North Expansion Area) and manufacturing and industrial (South Expansion Area) designations, and the mine is included within a mineral resources overlay. Mining activities are considered a temporary use and are consistent with the underlying zoning. Future land use is an important consideration in any alternative proposed for this study."* RCW 78.44.031(11) states that "Although both the need for and practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation." 6 to 9 cubic feet per second of discharging groundwater emanating from the east sloping face of the South Expansion Area and flowing out onto exposed impervious Olympia Bed soil and its commingling with stormwater runoff poses an in perpetuity problem that neither industrial tenants or the City of DuPont should have to face. Such a scenario seems in clear violation of the basic objective of mine reclamation as cited in RCW 78.44.031(11). Furthermore, to convey this quantity of groundwater and commingled stormwater runoff to the central mine area and North Expansion Area for treatment and infiltration seems incongruous with the intended residential use of these areas of the spent mine as well.

*"Mining is permitted only above the aquifer and a 25-foot separation (10-foot separation for slopes) is required between mining activities and the seasonal high groundwater level. Stormwater is managed onsite through infiltration."* [Page 25, lines 19 – 22] This is a current restriction in CalPortland's aggregate mining permit. This restriction makes good environmental sense in that: *"…surface water features within the Sequalitchew Creek basin are hydraulically connected and interact with the groundwater system."* Alternative 2.1.6 would adversely impact the surface water features of Kettle, Seep and Edmond Marsh wetlands and Sequalitchew Creek since they are all hydraulically connected and interact with the groundwater system that CalPortland proposes to dramatically alter by dewatering the Vashon aquifer that sustains these critical and sensitive surface water bodies.

*"The goal of the alternatives in this section is to avoid, minimize, and/or mitigate any change to the aquifer levels in the project area. These alternatives would also avoid and minimize any change to the flow of Sequalitchew Creek from current levels."* [Page 28, lines 25 – 27] Note the subtle shift in the above language from that stated as the purpose of the Feasibility Study, which states: *"The purpose of the Feasibility Study is to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."* The words *minimize* and *mitigate* are incongruous with

the words *improving* and *restoring* as they related to change to aquifer levels or stream flow in the Sequalitchew Creek watershed. Alternative 2.1.6 further degrades the natural functioning of Kettle, seep and Edmond Marsh wetlands, diminishes flow in Sequalitchew Creek and infiltrates commingled physically and chemically altered groundwater and polluted stormwater runoff into the groundwater that feeds pristine Puget Sound Springs, the latter of which flows onto a shoreline of state wide significance.

Alternative 2.1.5 Infiltrate Dewatering Water within the Mine is no longer being consider because: *"This alternative was determined to be infeasible by consensus of the parties to the memorandum of understanding."* [Page 76, lines 16 -17] How then can infiltrating stormwater runoff from 177 acres of manufacturing and industrial facilities built on impervious Olympia Bed soils and 8.3 cubic feet per second of discharging groundwater within the mine be judged as feasible when Alternative 2.1.5 which was judged by the parties to the memorandum of understanding as *infeasible*?

Alternative 2.1.6 would involve: *"…design, permitting, and construction of 1,000 feet of tightline pipe 1,250 feet of ditch, and a 0.5-acre to 5.4-acre infiltration pond…" "Water quality pre-treatment may be necessary depending on whether the groundwater system also intercepts stormwater."* It is highly unlikely that stormwater and groundwater can be kept separate. 8.3 cubic feet per second of discharging groundwater, containing fine grained particulate matter, would emanate from the exposed east sloped wall of the excavated South Expansion Area. This wall face will be exposed to the same precipitation falling on the impervious Olympia Bed soil at the bottom of the pit. Discharging groundwater, sediment from stormwater exposed and eroding sloped mine walls and runoff from impervious surfaces collected in drainage ditches would make segregation of groundwater discharge and stormwater runoff highly unlikely, if not impossible. Therefore, the entire combined flow of 8.3 cfs of groundwater and stormwater runoff from 177 acres would have to be treated to remove sediment and pollutants before being conveyed to infiltration ponds lest the buildup of fine-grained particulate matter negate the ability of the ponds to infiltrate the water. As far as using this water to recharge Puget Sound Springs is concerned there is no cost-effective treatment available to remove soluble pollutants (e.g., nutrients, heavy metals, organic compounds) from infiltrating surface water runoff. They will pass unaltered to contaminate the diminished groundwater supply of the Puget Sound Springs.

*"Planning, design, permitting, and construction of this alternative is anticipated to cost…between $900,000 and $1,200,000 if all mine stormwater, dewatering, and post-mining groundwater discharge is infiltrated. The higher costs also include construction of 5.5 acres of wetland mitigation."* Missing from this cost analysis is the costs to the City of DuPont (and its manufacturing, industrial, and residential property owners in the form of surface water management fees) of on-going (in perpetuity) operation, maintenance and eventual replacement of these surface water management facilities. Construction of 5.5 acres of wetland mitigation is incongruous with the stated purpose of the Feasibility Study, i.e., *"… to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."* Constructed wetland seldom provides the natural function and value of the destroyed wetlands that

they are supposed to mitigate. Constructed wetlands are seldom self-sustaining and require on-going maintenance (in this case by the City of DuPont) if they are to provide essential wetland function and value. The assumption that 5.5 acres of constructed wetlands in the midst of a manufacturing and industrial complex, or for that matter in the midst of a residential area, will adequately mitigate the elimination of Kettle and Seep wetlands, further degradation of 135 acre Edmond Marsh and a reduction in the base flow of lower Sequalitchew Creek borders on the ludicrous.

*"Some ongoing monitoring and maintenance would be required to ensure continued function of the conveyance and infiltration* [and the 5.5-acre constructed wetland] *system. Maintenance would include periodic inspection of the tightline and weir, removal of any accumulated debris, and removal of accumulated sediment from the infiltration pond* [and a 5.5 acre constructed wetland since it would not be self-sustaining]. What funding source is proposed to cover the costs to the City of DuPont for ongoing operation, maintenance and replacement of these facilities? CalPortland will be long gone from the scene.

*"Groundwater would be segregated from stormwater and would be infiltrated back into the ground. No detectable change in overall water quality is anticipated."* It is naive to believe that no detectable change in overall water quality will occur as a result of implementing what is proposed in 2.1.6. As mentioned above it is highly unlikely, if not impossible, to segregate 8.3 cfs of groundwater flowing out of the east wall of the mine onto the floor of the mine from precipitation falling on this same wall and on 177 acres of impervious Olympia Bed soil. The infiltration of this combined water through a 5 (as CalPortland has suggested) or 25 feet (as the current mining permit dictates) of underlying pervious course grained gravel (assuming that this water is conveyed away from the area underlain by Olympia Bed soil) is going to impact the quality and quantity of groundwater discharging into Puget Sound via the Puget Sound Springs.

*"If all the mine stormwater, and temporary and post-mining groundwater discharges are infiltrated, this alternative would have similar effects as construction of North Sequalitchew Creek would have…on the flow regime in the upper reach of the Sequalitchew Creek Ravine, marshes, and aquifer levels.* The adverse *effects* referred to above were grounds for the Environmental Coalition to conclude that the North Sequalitchew Creek alternative was fatally flawed. I believe that the Environmental Coalition should, for the same reasons, conclude that Alternative 2.1.6 is fatally flawed.

In regard to sustainability: *"This* [2.1.6] *alternative would require a modest level of ongoing maintenance to keep the passive dewatering system functioning smoothly. The key to sustainability is providing adequate water quality treatment to avoid impacting the long-term function of the infiltration pond. The type of water quality pre-treatment necessary would depend on whether the collection system also intercepts stormwater."* I would disagree with the word *modest.* As mentioned previously a surface water management system that complies with NPDES requirements for the discharge of surface water runoff (discharging groundwater now on the surface being a component thereof) by infiltration into an underlying aquifer and thence to Puget Sound and the operation,

maintenance and requirement for the periodic replace of the requisite facilities to handle the quantity of water described herein will overwhelm the very limited financial capacity and staff of the City of DuPont.

**Is Alternative 2.1.6 Fatally Flawed?**

I believe so.

Alternative 2.1.6 has an in perpetuity adverse environmental impact on the groundwater hydrology of the Sequalitchew Creek watershed and its groundwater dependent springs (including Puget Sound Springs), wetlands and Sequalitchew Creek and an in perpetuity adverse on-going financial impact on the City of DuPont and its citizens.

Unfortunately, the Memorandum of Understanding/Feasibility Study process proposed and managed by CalPortland has focused on mitigating the adverse environmental impacts that dewater the Vashon aquifer will have on the function and value of an already degraded Edmond Marsh and Sequalitchew Creek. Its motivation is to increase its take of gravel from the South Expansion Area where the gravel is now saturated by the Vashon aquifer. CalPortland has offered fish population enhancement via a proposed North Sequalitchew Creek to gain support for this alternative by the Nisqually Tribe and the Washington Department of Fish and Wildlife. If fish population enhancement is the goal of the Nisqually Tribe and the Washington Department of Fish and Wildlife then I submit that they need to support alternatives that enhanced discharge of Vashon aquifer groundwater discharge into and through Edmond Marsh and down Sequalitchew Creek Canyon and oppose Alternative 2.1.6 which will infiltrate a ground/storm water blend of polluted water that will degrade the quality and quantity the water of Puget Sound Springs which discharge onto critical and sensitive near shore habitat that is vital to salmon recovery.

The interests of the citizens of the City of DuPont have been poorly represented during the entire MOU/FS process. Citizens have been relegated the role of spectators with their opportunity to participate limited to 15 minutes at the conclusion of FS meetings. Yet it is the citizens of DuPont whose property values, quality of life and surface water management fees are going to be most impacted by the decisions that are made by CalPortland, Environmental Coalition and governmental agency representatives. Unfortunately the City Manager, City Attorney and members of City staff have not acted in the best interests of the citizens of DuPont otherwise they would have applied and enforced the City's critical and sensitive area ordinances at the time that CalPortland applied for a Conditional Use Permit that allowed dewatering of the Vashon aquifer.

In the final analysis all the Alternatives that have been proposed and considered by the participants in the MOU/FS process that allow dewatering of the Vashon aquifer are fatally flawed if the purpose of the process is: *…to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."*

Don Russell

**From:** Don Russell <krdr1juno@gmail.com>
**Sent:** Monday, June 23, 2025 4:28 AM
**To:** Renee Buck
**Cc:** Kim Underwood; Kirk Kirkland; Sean Arent; Marianne Lincoln; Kurt Reidinger; Al Schmauder; Barbara Kincaid; David Troutt; Lance Winnecka
**Subject:** City of DuPont Pioneer Aggregates FEIS fallacy
**Attachments:** CALPORTLAND'S SEQUALITCHEW CREEK RESTORATION PLAN.docx; AN EXAMINATION AND EVALUATION OF ALTERNATIVE 2.1.6.docx

Renee,

I have again attached a copy of my summary of the disastrous outcome of the "process" that all parties to the 2011-2012 Settlement Agreement elected to follow.

The feasibility study phase of that process gave birth to the Infiltrate breached Vashon aquifer groundwater discharging out of the steep Southeastern slope of the mine commingled with surface water runoff from a light industrial/residential village into the mine pit floor.

I responded to that fallacious proposal at the time. See the second attachment to this email.

The CalPortland mined out pit will become the City of DuPont's worst ever nightmare.

An effective Chambers-Clover Watershed Council along with an active and engaged DuPont citizenry could have prevented what is now likely to happen as a result of an anemic FEIS response prepared by DuPont hired consultants.

There is still a slim chance that CalPortland and the City of DuPont could develop a win-win beneficial future outcome for both parties if the Hearing Examiner is provided compelling evidence of glaring deficiencies in DuPont's FEIS document. So far I don't see that happening.

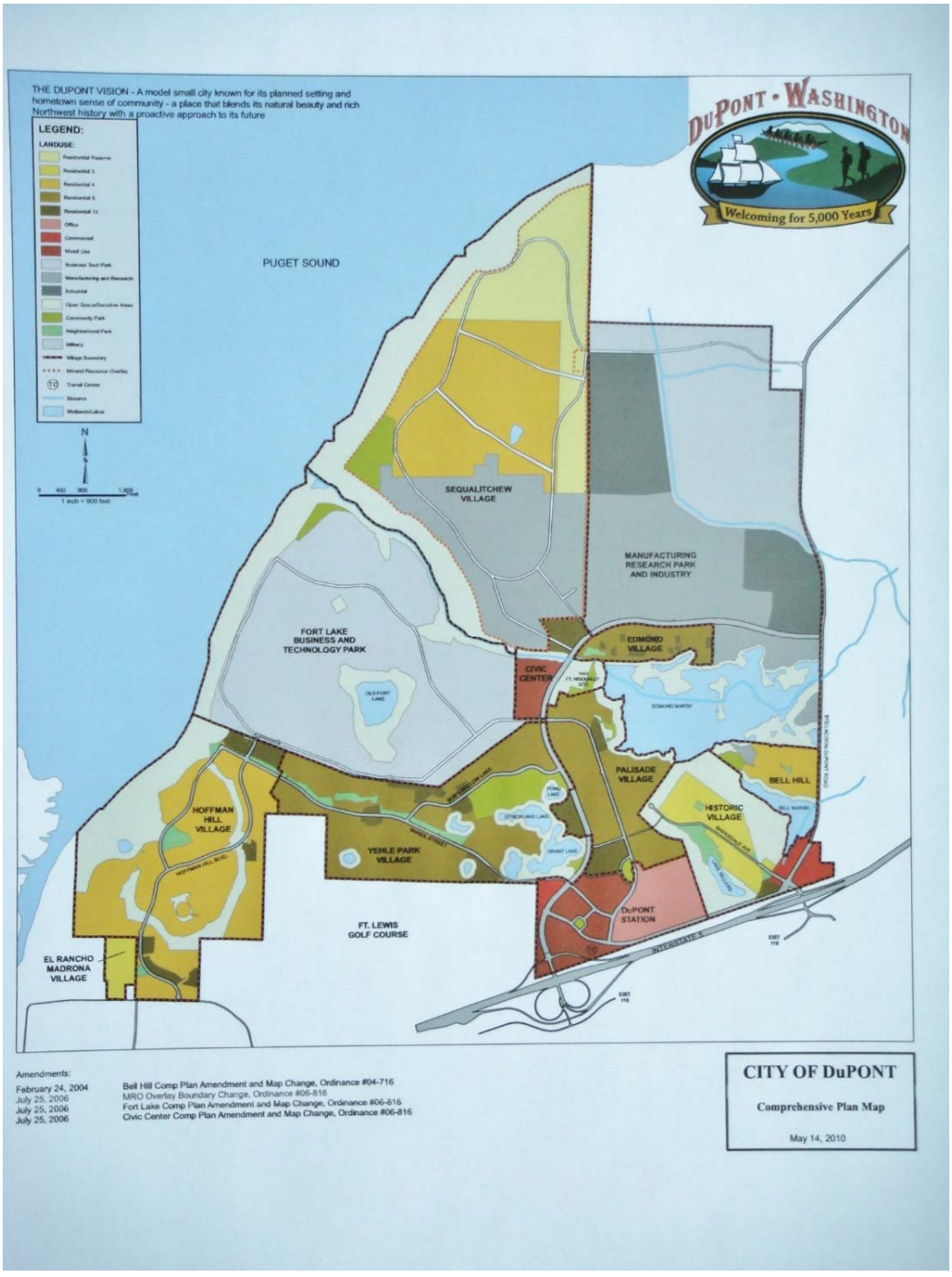
Don

# CALPORTLAND'S SEQUALITCHEW CREEK RESTORATION PLAN

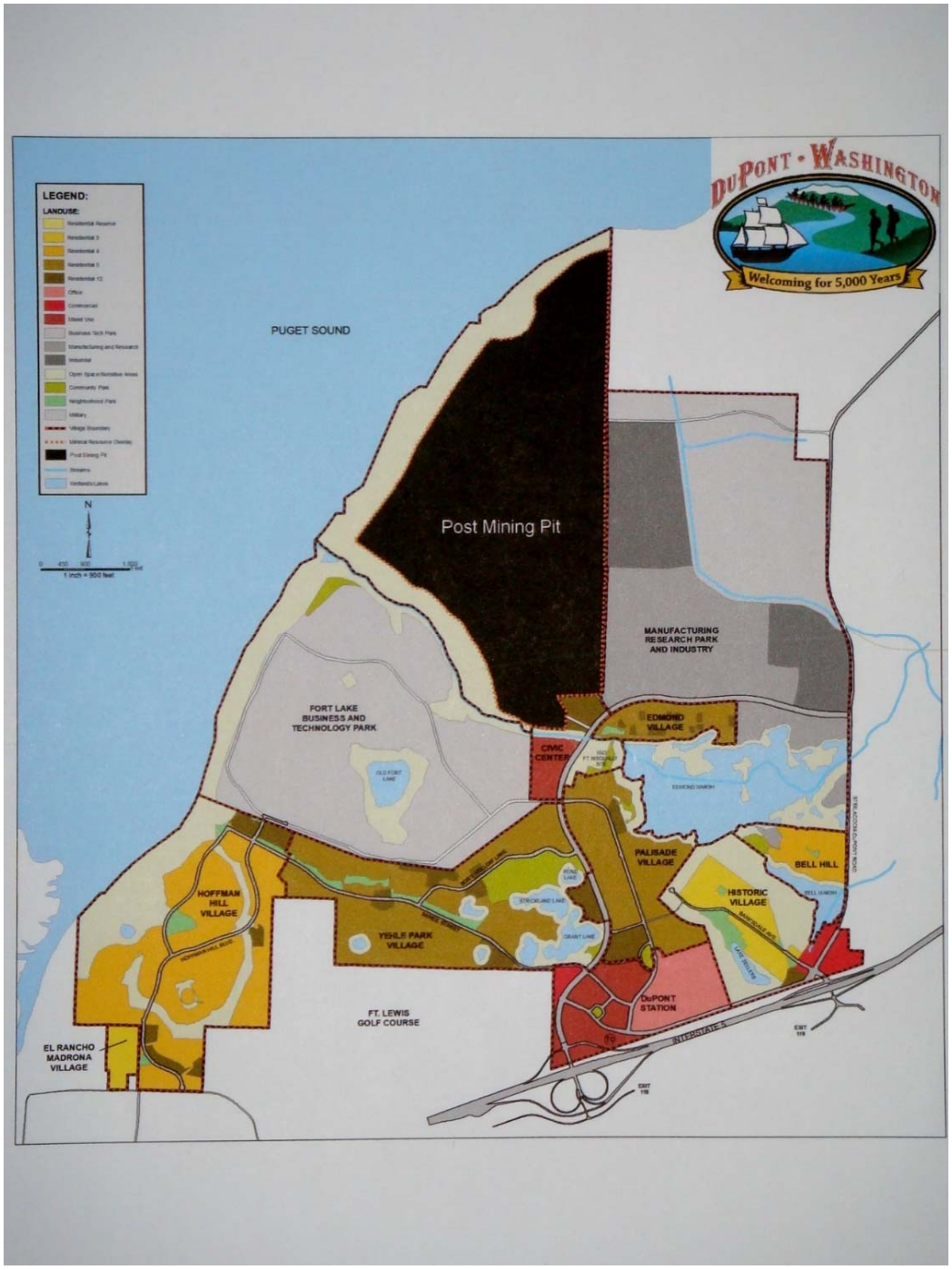
## Preface

This paper describes how Weyerhaeuser and CalPortland (under its several alias) have succeeded in manipulating events, data and people into accepting their version of the future of a once forested 700 acres of prime DuPont real estate.

## Weyerhaeuser's Vision as presented to DuPont's private property owners



**Weyerhaeuser/CalPortland's Vision of 700 acres of prime DuPont real estate**




**CalPortland's proposal for reconciling these two contrasting and contradictory visions**

In exchange for the City of DuPont issuing a conditional use permit to mine approximately 300 acres of Vashon aquifer groundwater saturated gavel contained within the footprint of its 700 acre gravel pit CalPortland has offered the City of DuPont a Sequalitchew Creek Restoration Plan that upon its implementation will render the site unfit for its intended future development.

**Origin of the Sequalitchew Creek Restoration Plan**

The CalPortland/Environmental Caucus/South Puget Sound Salmon Enhancement Group drafted Sequalitchew Creek Restoration Plan is the result of three decades of CalPortland's manipulation of events, data and people as chronicled below.

**1993 DuPont Quality-of-Life Committee Newsletter**

In June, 1993 a Neighbor to Neighbor citizen newsletter "*…dedicated to the great proposition that DuPonters have the right (and responsibility) to protect our quality-of-life and this region's historical and environmental integrity*" published an article in opposition to a proposed Weyerhaeuser/Lone Star DuPont 700 acre gravel mine.

The article is insightful since it described in detail Lone Star's (CalPortland) strategy for overcoming citizen opposition to its acquisition of a conditional use permit to mine gravel in land that it either leased or purchased in the City of DuPont under conditions that it dictated.

CalPortland's 1993 strategy was to provide DuPont's Planning Manager the necessary funding and consultants to draft a request that the City issue a conditional use permit to mine dry gravel in City designated mineral resource overlay areas and to convince the Mayor and City Council that approval of such a conditional use permit would benefit the City of DuPont. Should issuance of a conditional use permit to mine gravel be legally challenged by any outside party, i.e., citizens of DuPont or environmental advocacy group CalPortland would pay all the City's legal expenses necessary to defend the City Council's approval of issuance of a conditional use permit.

Application of this CalPortland strategy is manifest in all CalPortland manipulated events that have taken place since 1993. This strategy has been instrumental in determined the outcome of subsequent actions related to the development of the CalPortland/Environmental Caucus/South Puget Sound Salmon Enhancement Group drafted Sequalitchew Creek Restoration Plan. The Sequalitchew Creek Restoration Plan contains no relevant citizen stakeholder input.

Provisions of RCW 90.82 Watershed Planning assure that "*DuPonters have the right (and responsibility) to protect* [their] *quality-of-life and this region's historical and environmental integrity*" as codified below.

"*The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development.*" RCW 90.82.005

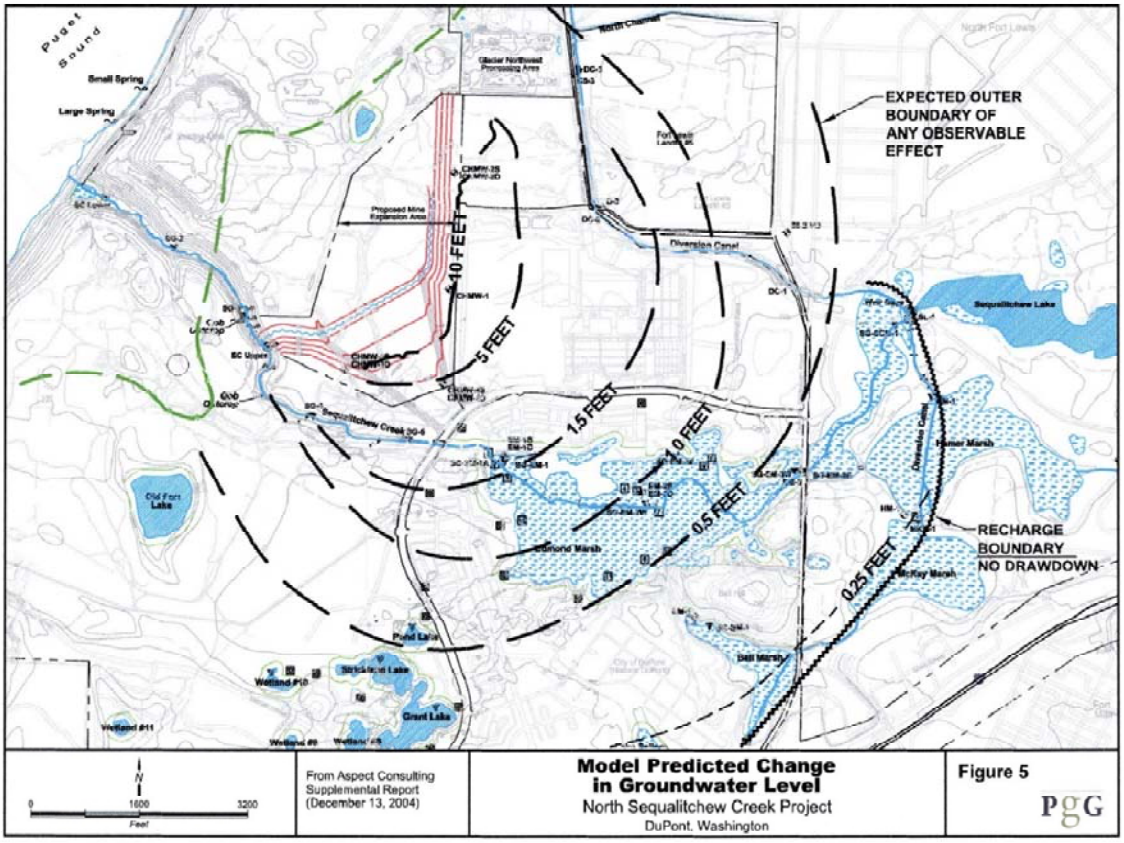
"*The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources.*" RCW 90.82.010

DuPonters have been denied "*the right (and responsibility) to protect* [their] *quality-of-life and* [DuPont's] *historical and environmental integrity*" contrary to provisions of RCW 90.82.

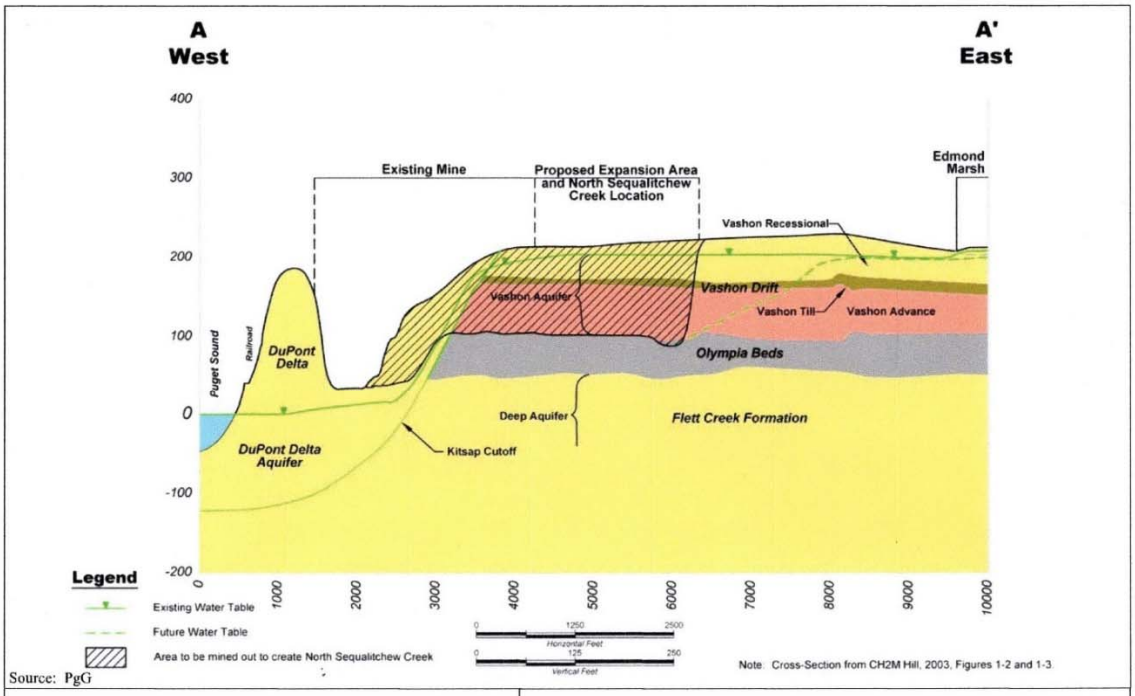
**The 1994 Settlement Agreement**

In 1994 in exchange for limited access and use of Weyerhaeuser owned land the City and several environmental advocacy groups (Environmental Caucus) entered into an Agreement that granted Lone Star (CalPortland) a conditional use permit to mine gravel in a 360 acre designated mineral resource overlay area. A key provision of that Agreement was "*WRECO and Lone Star agree to seek no permit in the future to mine…in a manner that would significantly impact the flow of Sequalitchew Creek.*"

During 2002-2006 Glacier Northwest (CalPortland) employed several consulting firms to study the hydrogeology of its existing 360-acre gravel mine and a proposed 170 acre south expansion area of its mine. The task was to come up with a plan (North Sequalitchew Creek) to access the Vashon aquifer saturated gravel that existed in 117 acres of its existing mine and in 170 acres of a leased south mine expansion area. These two areas were jointly referred to as the South Parcel.




The results of CalPortland consultants' studies are shown in the above illustration, i.e., a ground and surface water drainage ditch constructed at the base of the southeastern wall of the south mine expansion area. This in mine drainage ditch was intended to discharge its comingled groundwater and stormwater runoff through a cut in the southwestern mine wall and into lower Sequalitchew Creek. This proposal was called the North Sequalitchew Creek project.




This figure is from the Final Supplemental Environmental Impact Statement, Glacier Northwest DuPont Mining Area Expansion and North Sequalitchew Creek Project, May 1, 2007, Figure 3.4-1

**Figure 9**
**Generalized Geologic Cross Section**

553-3044-001/03(04) 1/09 (B) ai

The above illustration shows the location of the proposed in mine breached Vashon aquifer groundwater and stormwater runoff interceptor drainage ditch (aka North Sequalitchew Creek) perched upon impervious post mining exposed Olympia Bed material (center of the illustration). Note also that the post mining condition exposes impervious Olympia Bed material westward to a 25 foot drop off into the pervious bottom of the existing CalPortland DuPont mine.

**Expansion of DuPont's mineral resource overlay area**

In 2006 CalPortland persuaded the DuPont City Council to designate the entire 700 area shown in black on the second iteration of DuPont's Comprehensive Plan Map as a mineral resource overlay area. It included the South Parcel and a CalPortland owned North Parcel.

**2006-2008 The City of DuPont modifies its Comprehensive Plan**

The modification was done to reflect the expanded mineral resource overlay area and facilitate the permitting of Glacier Northwest's mining of both the South and North Parcels.

**2008 Nisqually Delta Association Intervention**

On July 16, 2008 the Nisqually Delta Association asserted that the proposed expansion of Lone Star's (CalPortland) gravel mine violated section II.B.5 of the 1994 Settlement Agreement's provision "…*not to seek any permits to mine within the shoreline jurisdiction, within 100 feet of*

*the top of the bank of Sequalitchew Creek, or in a manner that would significantly impact the flow of Sequalitchew Creek.*"

On January 4, 2009, the Nisqually Delta Association sent a Notice of Breach of the 1994 Settlement Agreement and Request for Mediation to Glacier Northwest and the City of DuPont.

**February 13, 2009 Don Russell submittal to DuPont's Hearing Examiner**

In my submittal I expressed opposition to the City's issuing a conditional use permit to Glacier Northwest for mining the South Parcel as proposed by Glacier Northwest's consultants and as conditioned by DuPont's Planning Manager on several bases.

Glacier Northwest's proposal envisioned the creation of an in mine 4000 foot long drainage ditch (aka North Sequalitchew Creek) to intercept 6.5 million gallons per day of breached Vashon aquifer groundwater discharging from the face of the steep eastern bank of the expanded South Parcel gravel mine plus any stormwater runoff from 287 acres of exposed South Parcel Olympia Bed impervious surface. This comingled discharging groundwater and polluted surface water runoff would then be conveyed through 500 feet of pipeline bored through the south wall of the mine and discharge into the Sequalitchew Creek ravine. Above this point of discharge there would be no groundwater discharge supplied base flow in Sequalitchew Creek.

I noted that execution of the proposed North Sequalitchew Creek plan would result in the elimination of Kettle Wetland and Sequalitchew Creek canyon Seep and Riparian Forest wetlands in violation of several of DuPont's sensitive areas regulations and RCW 78.44 that states "*…reclamation of mined lands is necessary to prevent or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state.*" The post mining condition of a dewatered DuPont gravel mine would be in violation of provisions of this RCW mandate.

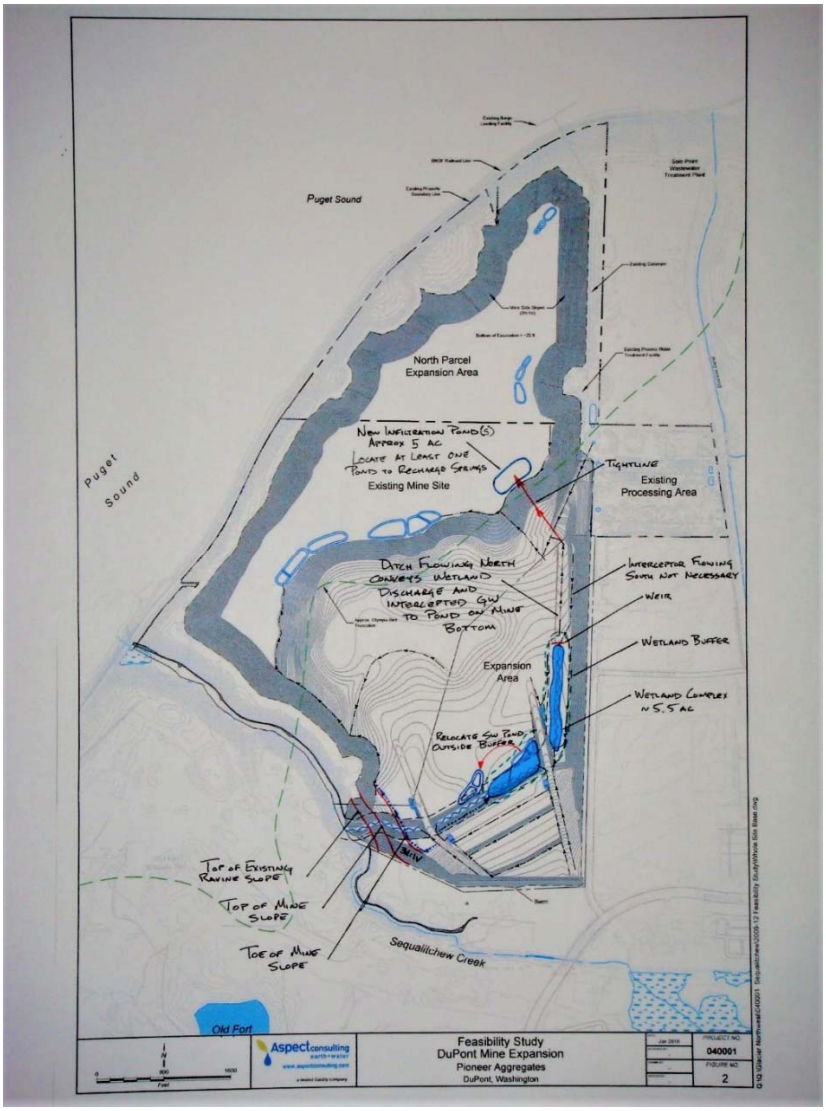
Subsequently a decision was made by the parties signatory to the 1994 Settlement Agreement to abandon the Hearing Examiner approach to resolving the dispute between the Nisqually Delta Association, Glacier Northwest (CalPortland) and the City of DuPont in favor of what became known as the Memorandum of Understanding/Feasibility Study process.

**Memorandum of Understanding/Feasibility Study process**

In 2010 CalPortland proposed that the concerned parties enter into a Memorandum of Understanding Agreement. This CalPortland drafted MOU Agreement contained the following provisions: (1) *This MOU reflects the parties understanding of the process that will be followed in an effort to avoid protracted litigation concerning the 1994 Settlement Agreement.* (2) *The purpose of the Feasibility Study will be to identify and evaluate potential alternatives for improving ecosystem functions in the Sequalitchew Creek's watershed. The parties expressly recognize that mine dewatering is one such an alternative*, and (3) *The parties will meet to develop a list of possible actions that would mitigate the potential impacts of the proposed project by improving, enhancing, or protecting ecosystem functions in the Sequalitchew Creek watershed*.

On February 2, 2010 I advised DuPont City Council to not enter into such an MOU/Feasibility Study Agreement on the basis that the CalPortland proposed North Sequalitchew Creek South Parcel mining proposal, if executed, would violate several DuPont sensitive area regulations and the post mining restoration provisions of RCW 78.44, as would any other dewatering proposal.

All of the identified and evaluated potential alternatives for improving ecosystem function in the Sequalitchew Creek watershed were fatally flawed. Nevertheless, one alternative was chosen as a result of the MOU/FS process. It was alternative 1.6 titled: Infiltrate a Portion of Dewatering and Post-mining Groundwater Discharge to Recharge Puget Sound Springs.




Derek Booth of Stillwater Sciences, consultant for the Environmental Caucus, described alternatives that proposed infiltration of dewatering water within the mine as: "*We find no basis to expect they will offer any net environmental gain and do not support their advancement.*"

I submitted a paper titled The Consequence of Dewatering the Vashon Aquifer to all parties to the MOU/FS Agreement that stated that the 1.6 alternative was more seriously flawed than was the original CalPortland proposed North Sequalitchew Creek dewatering proposal.

In September 2010 Ron Frederick requested that Mayor Jenkins form a citizen advisory group to advise the Mayor and City Council regarding growing citizen concern about CalPortland's undue influence on DuPont's Planning Manager and Hearing Examiner, the lack of application and enforcement of existing City of DuPont's sensitive area regulations, and the very limited opportunity afforded citizens to participate in the ongoing CalPortland/Environmental Caucus/City watershed planning process.

**2011 Settlement Agreement**

On June 24, 2011 Sally Toteff (DOE), Pete Stoltz (CalPortland) and Tom Skjervold (Nisqually Delta Association) announced "**Agreement reached on plan to help restore Sequalitchew Creek, allow new mining proposal."** This Agreement essentially removed most of the constraints to CalPortland's obtaining a permit to mine dry (North Parcel) and Vashon aquifer groundwater saturated gravel (South Parcel) from CalPortland's expanded (from 360 acres under provision of the 1994 Settlement Agreement to 700 acres under provisions of the 2011 Settlement Agreement) DuPont gravel mine.

I advised DuPont Council members in numerous papers (one of which was titled: Grounds for Not Approving the Settlement Agreement) and via public testimony that the City should not become a signatory to the 2011 Settlement Agreement for a variety of reasons. All of which would significantly reduce the City's ability to bargain with CalPortland for significant benefits that would accrue to DuPont's residents, private property owners, visitors, and tourists.

On January 26, 2012, the City of DuPont Council authorized Mayor Grayum to sign on behalf of the City of DuPont the CalPortland lawyer drafted 2011 Settlement Agreement.

**Sequalitchew Creek Restoration Plan**

The 2011 Settlement Agreement required that the Sequalitchew Creek Restoration Plan incorporate the below five elements (as defined by CalPortland's consultants Aspect and Anchor) in order for the Plan to be approved by CalPortland and the Environmental Caucus.

*4.1.1. Improvement of gradients so* [surface] *water discharges from Hamer and Bell Marshes flow into Edmond Marsh rather than into the diversion canal.*

*4.1.2. Improvements to create significant* [surface water] *flows from Sequalitchew Lake into the Edmond Marsh complex to support a functional creek ecosystem, and provide for the passage of migratory fish in the Sequalitchew Creek system. To achieve this goal, the Parties will consider, at minimum, modification of the diversion canal flood control structure and gradients.*

*4.1.3. Rehabilitation of Edmond Marsh by removal of sufficient fill and other flow impediments to provide the hydraulic gradients and capacity necessary to achieve and maintain adequate* [surface water] *flows through the Marsh.*

*4.1.4. Rehabilitation of Sequalitchew Creek below Edmond Marsh to reduce seepage, improve fish habitat, and help restore year-round* [surface water] *flows.*

*4.1.5. Active management of beaver activities to maintain the hydraulic gradients that provide* [surface water] *flows through Hamer, Bell, and Edmond marshes. For purposes of this section, "active management of beaver activities" means management commencing with the least intrusive method and progressing to more intrusive methods only as necessary to maintain hydraulic gradients and flows, with lethal removal utilized only as a last resort.*

The above inserted bracketed words make it clear that CalPortland incorrectly assumed that Sequalitchew Creek is a surface water driven system. It is not. It is a groundwater discharge driven system. Herein lies the fallacious foundation of the CalPortland consultant drafted Sequalitchew Creek Restoration Plan.

Unfortunately, these CalPortland consultant prescribed elements were never vetted by others to determine whether or not they were grounded in a proper characterization of the 2011 condition of the Sequalitchew Creek watershed. What existed then (on the left) and what exists now (on the right) is best illustrated by a comparison of the two below photographs. In stream flows are dependent upon shallow aquifer groundwater levels. Ground water withdrawals (dewatering) are antithetical to surface water flow in the Edmond Marsh/Sequalitchew Creek ecosystem.

CalPortland's consultants characterized the Sequalitchew Creek/Edmond Marsh complex as a surface water driven system. It is not. It was a groundwater driven system that over the years has been adversely impacted by ever declining Vahon aquifer groundwater levels and ever increasing quantities of stormwater runoff being discharged into this once pristine salmon bearing groundwater fed stream and associated wetland complex.

What CalPortland's consultants monitored during the period from 2003 up until till 2011 and upon which the Sequalitchew Creek Restoration Plan was built no longer represents the condition of the Sequalitchew Creek watershed today. The Sequalitchew Creek Restoration Plan proposed by CalPortland's consultants is not relevant to addressing today's degraded condition of Edmond Marsh and what little is left of a naturally flowing and functioning Sequalitchew Creek.

**A Relevant Sequalitchew Creek Restoration Plan**

A relevant Sequalitchew Restoration Plan would recognize that a further and permanent lowering of the Vashon aquifer groundwater level beneath the Edmond Marsh/Sequalitchew Creek complex as proposed by CalPortland's dewatering proposal is antithetical to restroration of a groundwater discharge fed salmon bearing Sequalitchew Creek flowing through an associated groundwater sustained Edmond Marsh wetland.

The elements of such a plan would be the control of the surface water levels of upgradient groundwater fed, occasionally stormwater runoff polluted, Bell, McKay and Hamer Marshes so as to provide the necessary hydraulic head to cause water contained in these marshes to infiltration into the underlying groundwater that flows subsurface (not on the surface) to discharge into lower elevation level Edmond Marsh.

To facilitate the interception of this subsurface flow of groundwater and enhance the volume of its discharge into Edmond Marsh a Sequaltichew Creek channel should be constructed (dug) all along the eastern boundary of Edmond Marsh by CalPortland. This is the proper location for constructing a discharging Vashon aquifer groundwater intercepor channel, not at the bottom of a breached Vashon aquifer groundwater discharge/stormwater runoff flooded gravel mne pit!

**Action Required**

The Mayor and City Council should start acting on behalf of the citizens of the City of DuPont that they represent instead of acceding to CalPortland's under threat of "*protracted litigation*" demands.

The proposed Sequalitchew Creek Restoration Plan offered by CalPortland is a bright and shiny bauble to attract attention away from the fact that its execution will cause permanent and irreversible environmental harm to a groundwater disconnected Edmond Marsh/Sequalitchew Creek complex and a lost opportunity for what could become a salmon bearing Sequalitchew Creek flowing through the center of the City of DuPont.

If the proposed CalPortland Sequalitchew Restoration Plan is executed not only will Edmond Marsh/Sequalitchew Creek be lost forever, DuPont private property owners will be paying to operate and maintain an in mine facility to handle 6.5 million gallons per day of discharging groundwater comingled with a like quantity of polluted stormwater runoff in an area designated by the City to become Sequalitchew Village residential and industrial area real estate.

**Conclusion**

I have written and circulated numerous papers on the proper characterization of the Edmond Marsh/Sequaltichew Creek complex, how Mother Nature intended this complex to work, how the actions of humans have impaired its natural function, almost beyond the ability to restore it, and, importantanly, how at this late date this complex can be restored as desirable salmon habitat, an aesthetic ammenity to be enjoyed by the citizens of DuPont, and a popular tourist destination.

**References**

1953 Graduate (BS) of the University of Washington School of Fisheries, high school biology teacher, chemist, 21 year Pierce Conservation District volunteer stream and lake water quality monitor, long time member of the Chambers-Clover (Sequalitchew) Creek Wateshed Council (serve on its executive committee and as its former technical director), for seven years (2008-2014) observed, photo documented, took and analysed water samples from Sequalitcheww Lake, Edmond Marsh, Sequalitchew Creek and related marshes and authored numerous papers on the condition of the Sequalitchew Creek watershed and what would be required to restore its lost beneficail uses for salmon and people.

February 13, 2009 Letter to DuPont Hearing Examiner opposing Pioneer Aggregate-Glacier Northwest Mine Expansion into 180 acres of forested land located adjacent to and southest of its existing and approved by the 1994 Settlement Agreement 360 acre DuPont gravel (aggregate) mine.

February 25, 2009 paper titled: DuPont's Approval of Glacier Nothwest's Mine Expansion. This paper properly characterized the Edmond Marsh/Sequalitchew Creek ecosystem and cited the adverse environmental impacts that permitting CalPortland to expand its mining operations into 177 acres in a south extention would do to the environment.

June 28, 2009 paper titled Why Should the City of DuPont Care? This paper asks and answers the question "Why should the City of DuPont care about CalPortland's proposal to dewater the Vashon aquifer so that it can remove aggregate in an area of the City zoned for residential and industrial use?"

December 14, 2009 paper titled An Analysis of Glacier Northwest's MOU Strategy

January 10, 2110 Letter to Dawn Masko, DuPont City Administrator raising questions about the propriety of DuPont's Land Use Administrative Practices, i.e., specifically concerns about the City's practice of severly limiting public participation in land use decisions.

February 2, 2010 paper titled In Responsed to GN's MOU Preliminary Draft Feasibility Study

February 4, 2010 paper titled Restoration of the Sequalitchew Creek Watershed

February 10, 2010 Stillwater Sciences Technical Memorandum that comments on the feasibility of each of CalPortland/Core Group's proposed dewatering alternatives. None were adequate.

May 17, 2010 paper titled The Consequence of Dewatering the Vashon Aquifer.

September 2, 2010 paper titled An Examination and Evaluation of Alternative 2.1.6 Infiltrate Stormwater and Groundwater Discharges to Recharge Puget Sound Springs. Followed by a paper titled Glacier Northwest's MOU/FS Strategy viewed in Context

October 1, 2010 Mayor Jenkins establishes a Sequalitchew Creek and Edmond Marsh Committee chaired by Ron Frederick to advise her about the environmental condition of Sequalitchew Creek and land use practices and regulations that might protect the ecosystems of Sequalitchew Creek and Edmond Marsh from irreparable damage. I respond with an October 3, 2010 letter that addresses the subject The effectiveness of mitigation vs no impact in wetlands permitted citing the six goals of the Puget Sound Partnership that would be violated if DuPont issued a permit to CalPortland to dewater the Vashon aquifer. This was followed up by a October 8, 2010 paper titled Science and CalPortland's Dewatering Proposal

October 11, 2010 Letter advising a group of concerned DuPont citizens about CalPortland's Track Record of Promises vs Its Performance. This letter concluded with the statement that: *"There is simply no mitigation that will offset the permanent adverse impacts that will occur to Edmond Marsh and Sequalitchew Creek should CalPortland be permitted to dewater the Vashon aquifer!"*

October 22, 2010 paper titled Edmond Marsh and Sequalitchew Creek Watershed. This paper was written in response to the Mayor appointed Edmond Marsh and Sequalitchew Creek Committee's quest to understand the current environmental condition of Edmond Marsh and Sequalitchew Creek and the measures needed to preserve, protect and restore their historical function and values.

November 12, 2010 paper titled Misconceptions and Clarifications. This paper was written to address certain misconceptions and clarifications about citizen and governmental agency response to CalPortland's proposed expansion of its DuPont gravel mining operations.

November 25, 2010 paper titled Origin and History of the Diversion Canal

January 11, 2011 paper titled Message to DuPont City Council and Mayor This paper described the inferior position of citizen interests vis a vis the superior position of the Mayor and City staff in determining the fate of environmental conditions in the City of DuPont, i.e., the existence of an inverted power pyramid.

March 14, 2011 DJR discovery of the source of iron pollution in West Edmond Marsh

May 15, 2011 DJR commentary on the environmental impact on Sequalitchew Creek of the construction of Creekside Village and Center Drive access road modification.

July 6, 2011 paper titled Commentary on the Settlement Agreement sent to Mayor and Council members with an attachment titled CalPortland's Promises vs Its Performance noting that CalPortland has a poor track record of fulfilling its promises as evidenced by its violation of provisions of the 1994 Settlement Agreement and DNR provisions of its mining permit.

July 8, 2011 paper titled The Untold Story Behind the Settlement Agreement

July 9, 2011 DJR refutes Ecology's claim that there will be no adverse impact on the City of DuPont's domestic water supply as a result of permitting CalPortland to dewater the Vashon aquifer.

Sometime in July 2011 the October 1, 2010 Mayor appointed Sequalitchew Creek/Edmond Marsh Committee issues its Final Report. It contained 10 Recommendations on how the City of DuPont and its citizens can work together to provide protection of its valuable natural resources.

August 2, 2011 paper titled Grounds for Not Approving the Settlement Commentary on Settlement Agreement submitted to the Mayor and City Council members.

September 2, 2011 DJR Letter to Sally Toteff (Ecology) with copies to City Council members complaining about the brief amount of time allowed five citizens to speak of their opposition to the City Council authorizing the City of DuPont Mayor to become a signatory to the 2011 Settlement Agreement.

September ?, 2011 Gendler and Mann (attorneys) letter to Mayor Jenkins and City Council stating: *"You may believe that the Settlement Agreement does not bind you to any specific course of action and that you may therefore approve it prior to your review of the SEPA analysis. This belief is wrong for at least two significant reasons. First and foremost, ask yourselves the simple questions - if the Settlement Agreement does not bind the City to any course of action, then why are you signing it? Why does CalPortland want you to sign it? The answer should be obvious -by committing itself to the Settlement, the City is giving at least the appearance of cooperation and that it will issue the future permits. Indeed, the Settlement Agreement confirms in Section 12 that "based on existing information and analysis the Governmental parties believe they can issue permits consistent with this agreement." But the City is not in "believe" that permits may be issued for this project - especially at this early date. The City owes to itself and its citizens the responsibility and duty to remain absolutely and completely neutral.*" The letter went on to state: "*The City should decline to participate in the Settlement. The City should instead follow the process set out by SEPA and its implementing regulations, and, prior to making any decisions on CalPortland's proposal, fully educate itself on the complete environmental ramifications of your decisions.*"

September 6, 2011 DJR Power Point presentation titled Hydrology and Geology of DuPont.

September 27, 2011 DJR addresses the Mayor and City Council expressing opposition to the City signing the 2011 Settlement Agreement since it would commit the City staff to support CalPortland's quest to dewater and mine the South Parcel. That address is documented in a paper titled Public Hearing Comments on the 2011 Settlement Agreement.

September 30, 2011 DJR Power Point presentation titled Commentary on Settlement Agreement

October 2, 2011 Diana Barbera Letter published in The Suburban Times bearing the title DuPont Resident opposes [2011 Settlement] agreement.

January 26, 2012 paper titled Final Comments on the 2011 Settlement Agreement citing reasons why the City Council should not authorize the Mayor to become a signatory to the 2011 Settlement. It concluded by stating: "*…the role of the DuPont City Council should be to preserve, protect, restore and enhance the wellbeing, property values and quality of life for the citizens of DuPont by not approving the 2011 Settlement Agreement which promotes the commercial interests of CalPortland whose expanded South Parcel mining activities would diminish the value of all that the citizens of DuPont cherish about their City.*"

On January 26, 2012, the City Council voted in favor of authorizing the Mayor to sign the 2011 Settlement Agreement that pledged the City to support CalPortland's 1994 to 2011 quest to obtain a permit to dewater and mine the South Parcel.

January 29, 2012 DJR submits a Letter to the Editor of The Suburban Times under the banner The Consequence of the City of DuPont Council Approving the 2011 Settlement Agreement. That article concluded with the statement: "*There is no mitigation that will offset the adverse impacts that lowering the groundwater level in DuPont to facilitate mining saturated gravel in 117 acres of CalPortland's existing mine and in 180 acres of a leased south expansion area collectively known as the South Parcel will have on the natural function of Edmond Marsh, Sequalitchew Creek, Kettle Lake (to be eliminated), Sequalitchew Creek Ravine Riparian Forest and Springs and Puget Sound Shoreline Springs all of which are dependent upon their connectivity to and continuity with Vashon aquifer groundwater.*"

What followed in subsequent years was CalPortland's consultants (Anchor and Aspect), Nisqually Delta Association (Tom Skjervold) and South Puget Sound Salmon Enhancement Group (Lance Winecka) discussions on how to implement provisions of CalPortland lawyers' crafted 2011 Settlement Agreement. These discussions were closely held, resulting in precluding any DuPont citizen and concerned watershed stakeholder input. What emerged from these discussion was the CalPortland consultant crafted Sequalitchew Creek Restoration Plan.

In 2017 I provided the City of DuPont a proposed City managed Edmond Marsh/Sequalitchew Creek restoration plan. This plan was based upon a proper characterization of the condition of the Edmond Marsh and Sequalitchew Creek ecosystem. It was titled Edmond Marsh Fact vs [CalPortland's] Fiction.

Bottom line: CalPortland's proposed Vashon aquifer dewatering interception channel should be constructed by CalPortland paralleling the eastern shoreline of Edmond Marsh and be named coho salmon friendly groundwater fed Sequalitchew Creek and its off channel associated Edmond Marsh wetlands. It should not be located at the bottom of a mined out gravel pit that is subsequently slated to be developed as Sequalitchew Village (featuring Kettle Lake) and light industrial park that does not experience, in perpetuity, continuous groundwater discharge exacerbated by intermittent stormwater runoff flooding events.

Don Russell

November 15, 2020

## AN EXAMINATION AND EVALUATION OF ALTERNATIVE 2.1.6

### Preface

This paper examines and fatal flaw evaluates Alternative 2.1.6 Infiltrate Stormwater and Groundwater Discharges to Recharge Puget Sound Springs. It does so by reciting passages from the March 25, 2010 Draft Feasibility Study (in italics), providing evaluation commentary (in this print format) and offers a conclusion regarding its fatal flaw status.

### Relevant Passages and Commentary

*"The purpose of the Feasibility Study is to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."*

*"…surface water features within the Sequalitchew Creek basin are hydraulically connected and interact with the groundwater system."*

*"It is these mingled Vashon Aquifer and sea level aquifer waters that form the Puget Sound shoreline springs, referred to as the Large and Small Springs north of the mouth of Sequalitchew Creek."*

*"Groundwater discharges as springs and seeps in the lower Sequalitchew Creek…and provides the majority of creek baseflow which varies between approximately 0.5 cubic feet per second (cfs)(summer) and 1.5 cfs (winter).* Dewatering the Vashon aquifer and excavating gravel in the South Expansion Area at or below the elevation of the adjacent Sequalitchew Creek bed will cause diminishment or cessation of base flow in Sequalitchew Creek. This is clearly a violation of the no impact provision of the 1994 Agreement.

*"The post-mining groundwater discharge is predicted to average about 7 cfs and range seasonally from 6 to 9 cfs."*

*"A 1.78-acre kettle wetland is located in a large, closed depression that lies near the center of the existing mine site. The kettle wetland vegetation communities are relatively susceptible to changes in groundwater hydrology, which directly control water levels in the wetland."* Alternative 2.1.6 would eliminate this Class 2 wetland. Such an act would be in violation of a provision (25 foot buffer) of CalPortland's current mining permit and the City of DuPont's municipal code DMC 25.105.070.1(f).

*"West Edmond Marsh is an approximate 135-acre wetland with a hydraulic regime dominated by surface water inputs to the south and east."* Alternative 2.1.6 would impact this Class 1 wetland by lowering the groundwater level 1.5 feet beneath West Edmond Marsh. The City of DuPont's municipal code DMC 25.105.070.1(f) states that alteration of Class 1 wetlands is prohibited.

*"A 0.13-acre seep wetland complex of two long, very narrow, and non-contiguous wetlands is located just above the trail along Sequalitchew Creek at about RM 0.75 to 0.85."* Alternative 2.1.6 would disconnect this wetland complex from the groundwater source that sustains it. The elimination of this seep wetland complex would be in violation of DMC 25.105.070.1(f). Since the water that flows from this wetland discharges into Sequalitchew Creek such an act would be in violation of the 1994 Agreement.

*"The underlying zoning of the mine site is a mix of residential (North Expansion Area) and manufacturing and industrial (South Expansion Area) designations, and the mine is included within a mineral resources overlay. Mining activities are considered a temporary use and are consistent with the underlying zoning. Future land use is an important consideration in any alternative proposed for this study."* RCW 78.44.031(11) states that "Although both the need for and practicability of reclamation will control the type and degree of reclamation in any specific surface mine, the basic objective shall be to reestablish on a perpetual basis the vegetative cover, soil stability, and water conditions appropriate to the approved subsequent use of the surface mine and to prevent or mitigate future environmental degradation." 6 to 9 cubic feet per second of discharging groundwater emanating from the east sloping face of the South Expansion Area and flowing out onto exposed impervious Olympia Bed soil and its commingling with stormwater runoff poses an in perpetuity problem that neither industrial tenants or the City of DuPont should have to face. Such a scenario seems in clear violation of the basic objective of mine reclamation as cited in RCW 78.44.031(11). Furthermore, to convey this quantity of groundwater and commingled stormwater runoff to the central mine area and North Expansion Area for treatment and infiltration seems incongruous with the intended residential use of these areas of the spent mine as well.

*"Mining is permitted only above the aquifer and a 25-foot separation (10-foot separation for slopes) is required between mining activities and the seasonal high groundwater level. Stormwater is managed onsite through infiltration."* [Page 25, lines 19 – 22] This is a current restriction in CalPortland's aggregate mining permit. This restriction makes good environmental sense in that: *"…surface water features within the Sequalitchew Creek basin are hydraulically connected and interact with the groundwater system."* Alternative 2.1.6 would adversely impact the surface water features of Kettle, Seep and Edmond Marsh wetlands and Sequalitchew Creek since they are all hydraulically connected and interact with the groundwater system that CalPortland proposes to dramatically alter by dewatering the Vashon aquifer that sustains these critical and sensitive surface water bodies.

*"The goal of the alternatives in this section is to avoid, minimize, and/or mitigate any change to the aquifer levels in the project area. These alternatives would also avoid and minimize any change to the flow of Sequalitchew Creek from current levels."* [Page 28, lines 25 – 27] Note the subtle shift in the above language from that stated as the purpose of the Feasibility Study, which states: *"The purpose of the Feasibility Study is to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."* The words *minimize* and *mitigate* are incongruous with

the words *improving* and *restoring* as they related to change to aquifer levels or stream flow in the Sequalitchew Creek watershed. Alternative 2.1.6 further degrades the natural functioning of Kettle, seep and Edmond Marsh wetlands, diminishes flow in Sequalitchew Creek and infiltrates commingled physically and chemically altered groundwater and polluted stormwater runoff into the groundwater that feeds pristine Puget Sound Springs, the latter of which flows onto a shoreline of state wide significance.

Alternative 2.1.5 Infiltrate Dewatering Water within the Mine is no longer being consider because: *"This alternative was determined to be infeasible by consensus of the parties to the memorandum of understanding."* [Page 76, lines 16 -17] How then can infiltrating stormwater runoff from 177 acres of manufacturing and industrial facilities built on impervious Olympia Bed soils and 8.3 cubic feet per second of discharging groundwater within the mine be judged as feasible when Alternative 2.1.5 which was judged by the parties to the memorandum of understanding as *infeasible*?

Alternative 2.1.6 would involve: *"…design, permitting, and construction of 1,000 feet of tightline pipe 1,250 feet of ditch, and a 0.5-acre to 5.4-acre infiltration pond…" "Water quality pre-treatment may be necessary depending on whether the groundwater system also intercepts stormwater."* It is highly unlikely that stormwater and groundwater can be kept separate. 8.3 cubic feet per second of discharging groundwater, containing fine grained particulate matter, would emanate from the exposed east sloped wall of the excavated South Expansion Area. This wall face will be exposed to the same precipitation falling on the impervious Olympia Bed soil at the bottom of the pit. Discharging groundwater, sediment from stormwater exposed and eroding sloped mine walls and runoff from impervious surfaces collected in drainage ditches would make segregation of groundwater discharge and stormwater runoff highly unlikely, if not impossible. Therefore, the entire combined flow of 8.3 cfs of groundwater and stormwater runoff from 177 acres would have to be treated to remove sediment and pollutants before being conveyed to infiltration ponds lest the buildup of fine-grained particulate matter negate the ability of the ponds to infiltrate the water. As far as using this water to recharge Puget Sound Springs is concerned there is no cost-effective treatment available to remove soluble pollutants (e.g., nutrients, heavy metals, organic compounds) from infiltrating surface water runoff. They will pass unaltered to contaminate the diminished groundwater supply of the Puget Sound Springs.

*"Planning, design, permitting, and construction of this alternative is anticipated to cost…between $900,000 and $1,200,000 if all mine stormwater, dewatering, and post-mining groundwater discharge is infiltrated. The higher costs also include construction of 5.5 acres of wetland mitigation."* Missing from this cost analysis is the costs to the City of DuPont (and its manufacturing, industrial, and residential property owners in the form of surface water management fees) of on-going (in perpetuity) operation, maintenance and eventual replacement of these surface water management facilities. Construction of 5.5 acres of wetland mitigation is incongruous with the stated purpose of the Feasibility Study, i.e., *"… to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."* Constructed wetland seldom provides the natural function and value of the destroyed wetlands that

they are supposed to mitigate. Constructed wetlands are seldom self-sustaining and require on-going maintenance (in this case by the City of DuPont) if they are to provide essential wetland function and value. The assumption that 5.5 acres of constructed wetlands in the midst of a manufacturing and industrial complex, or for that matter in the midst of a residential area, will adequately mitigate the elimination of Kettle and Seep wetlands, further degradation of 135 acre Edmond Marsh and a reduction in the base flow of lower Sequalitchew Creek borders on the ludicrous.

*"Some ongoing monitoring and maintenance would be required to ensure continued function of the conveyance and infiltration* [and the 5.5-acre constructed wetland] *system. Maintenance would include periodic inspection of the tightline and weir, removal of any accumulated debris, and removal of accumulated sediment from the infiltration pond* [and a 5.5 acre constructed wetland since it would not be self-sustaining]. What funding source is proposed to cover the costs to the City of DuPont for ongoing operation, maintenance and replacement of these facilities? CalPortland will be long gone from the scene.

*"Groundwater would be segregated from stormwater and would be infiltrated back into the ground. No detectable change in overall water quality is anticipated."* It is naive to believe that no detectable change in overall water quality will occur as a result of implementing what is proposed in 2.1.6. As mentioned above it is highly unlikely, if not impossible, to segregate 8.3 cfs of groundwater flowing out of the east wall of the mine onto the floor of the mine from precipitation falling on this same wall and on 177 acres of impervious Olympia Bed soil. The infiltration of this combined water through a 5 (as CalPortland has suggested) or 25 feet (as the current mining permit dictates) of underlying pervious course grained gravel (assuming that this water is conveyed away from the area underlain by Olympia Bed soil) is going to impact the quality and quantity of groundwater discharging into Puget Sound via the Puget Sound Springs.

*"If all the mine stormwater, and temporary and post-mining groundwater discharges are infiltrated, this alternative would have similar effects as construction of North Sequalitchew Creek would have…on the flow regime in the upper reach of the Sequalitchew Creek Ravine, marshes, and aquifer levels.* The adverse *effects* referred to above were grounds for the Environmental Coalition to conclude that the North Sequalitchew Creek alternative was fatally flawed. I believe that the Environmental Coalition should, for the same reasons, conclude that Alternative 2.1.6 is fatally flawed.

In regard to sustainability: *"This* [2.1.6] *alternative would require a modest level of ongoing maintenance to keep the passive dewatering system functioning smoothly. The key to sustainability is providing adequate water quality treatment to avoid impacting the long-term function of the infiltration pond. The type of water quality pre-treatment necessary would depend on whether the collection system also intercepts stormwater."* I would disagree with the word *modest.* As mentioned previously a surface water management system that complies with NPDES requirements for the discharge of surface water runoff (discharging groundwater now on the surface being a component thereof) by infiltration into an underlying aquifer and thence to Puget Sound and the operation,

maintenance and requirement for the periodic replace of the requisite facilities to handle the quantity of water described herein will overwhelm the very limited financial capacity and staff of the City of DuPont.

**Is Alternative 2.1.6 Fatally Flawed?**

I believe so.

Alternative 2.1.6 has an in perpetuity adverse environmental impact on the groundwater hydrology of the Sequalitchew Creek watershed and its groundwater dependent springs (including Puget Sound Springs), wetlands and Sequalitchew Creek and an in perpetuity adverse on-going financial impact on the City of DuPont and its citizens.

Unfortunately, the Memorandum of Understanding/Feasibility Study process proposed and managed by CalPortland has focused on mitigating the adverse environmental impacts that dewater the Vashon aquifer will have on the function and value of an already degraded Edmond Marsh and Sequalitchew Creek. Its motivation is to increase its take of gravel from the South Expansion Area where the gravel is now saturated by the Vashon aquifer. CalPortland has offered fish population enhancement via a proposed North Sequalitchew Creek to gain support for this alternative by the Nisqually Tribe and the Washington Department of Fish and Wildlife. If fish population enhancement is the goal of the Nisqually Tribe and the Washington Department of Fish and Wildlife then I submit that they need to support alternatives that enhanced discharge of Vashon aquifer groundwater discharge into and through Edmond Marsh and down Sequalitchew Creek Canyon and oppose Alternative 2.1.6 which will infiltrate a ground/storm water blend of polluted water that will degrade the quality and quantity the water of Puget Sound Springs which discharge onto critical and sensitive near shore habitat that is vital to salmon recovery.

The interests of the citizens of the City of DuPont have been poorly represented during the entire MOU/FS process. Citizens have been relegated the role of spectators with their opportunity to participate limited to 15 minutes at the conclusion of FS meetings. Yet it is the citizens of DuPont whose property values, quality of life and surface water management fees are going to be most impacted by the decisions that are made by CalPortland, Environmental Coalition and governmental agency representatives. Unfortunately the City Manager, City Attorney and members of City staff have not acted in the best interests of the citizens of DuPont otherwise they would have applied and enforced the City's critical and sensitive area ordinances at the time that CalPortland applied for a Conditional Use Permit that allowed dewatering of the Vashon aquifer.

In the final analysis all the Alternatives that have been proposed and considered by the participants in the MOU/FS process that allow dewatering of the Vashon aquifer are fatally flawed if the purpose of the process is: *…to identify and evaluate alternatives for improving or restoring ecosystem functions in the Sequalitchew Creek watershed."*

Don Russell

**From:** Don Russell <krdr1juno@gmail.com>
**Sent:** Saturday, June 21, 2025 5:34 AM
**To:** Barbara Kincaid
**Cc:** Kirk Kirkland; Al Schmauder; Kurt Reidinger; Renee Buck; Sean Arent; Lance Winnecka; David Troutt
**Subject:** City of DuPont FEIS Hearing Examiners Meeting commentary
**Attachments:** CALPORTLAND'S SEQUALITCHEW CREEK RESTORATION PLAN.docx; CALPORTLAND DEWATERING PROPOSAL.docx

Barb,

Yesterday morning I sat through a mind numbing presentation of the City of DuPont's FEIS response to Pioneer Aggregates South Parcel gravel mining proposal.

What is being proposed, if permitted, will result in **a missed opportunity disaster** for the private and governmental property owners of the City of DuPont since there is **no mitigation for the permanent ecological and financial damage that will occur as a result of dewatering the Vashon aquifer.**

The reason for my assertion is stated in the two attachments to this email.

At the time of my involvement (8 years) in assessing the impact of permitting dewatering of the Vashon aquifer I was the Technical Director of the Chambers-Clover Creek Watershed Council with years of experience in assessing the adequacy of the in stream flow and quality of a stream as suitable habitat for salmon.

It was apparent to me during my reconnaissance that the only Vashon aquifer dewater scheme that would result in a **win-win for CalPortland, the City of DuPont and salmon** was to require CalPortland to construct a Vashon aquifer groundwater discharge interception channel all along the southeastern shoreline of Edmond Marsh. This would result in a significant lowering of the groundwater level beneath the South Parcel and allow dry mining of gravel throughout the mineral overlay area 10 feet above the lowered Vashon aquifer groundwater level as per the 1996 Settlement Agreement.

The Hearing Examiner should find that what CalPortland/Pioneer Aggregates has proposed for mining the South Parcel is **not feasible** and CalPortland and the City of DuPont should convene a collaborative win-win process instead of its heavy handed "we are going to litigate if DuPont fails to give us the condition use permit that we have been seeking for decades now".

Environmental justice should prevail, not a "My way or the Highway" the dictatorial approach that I cite in my attachments.

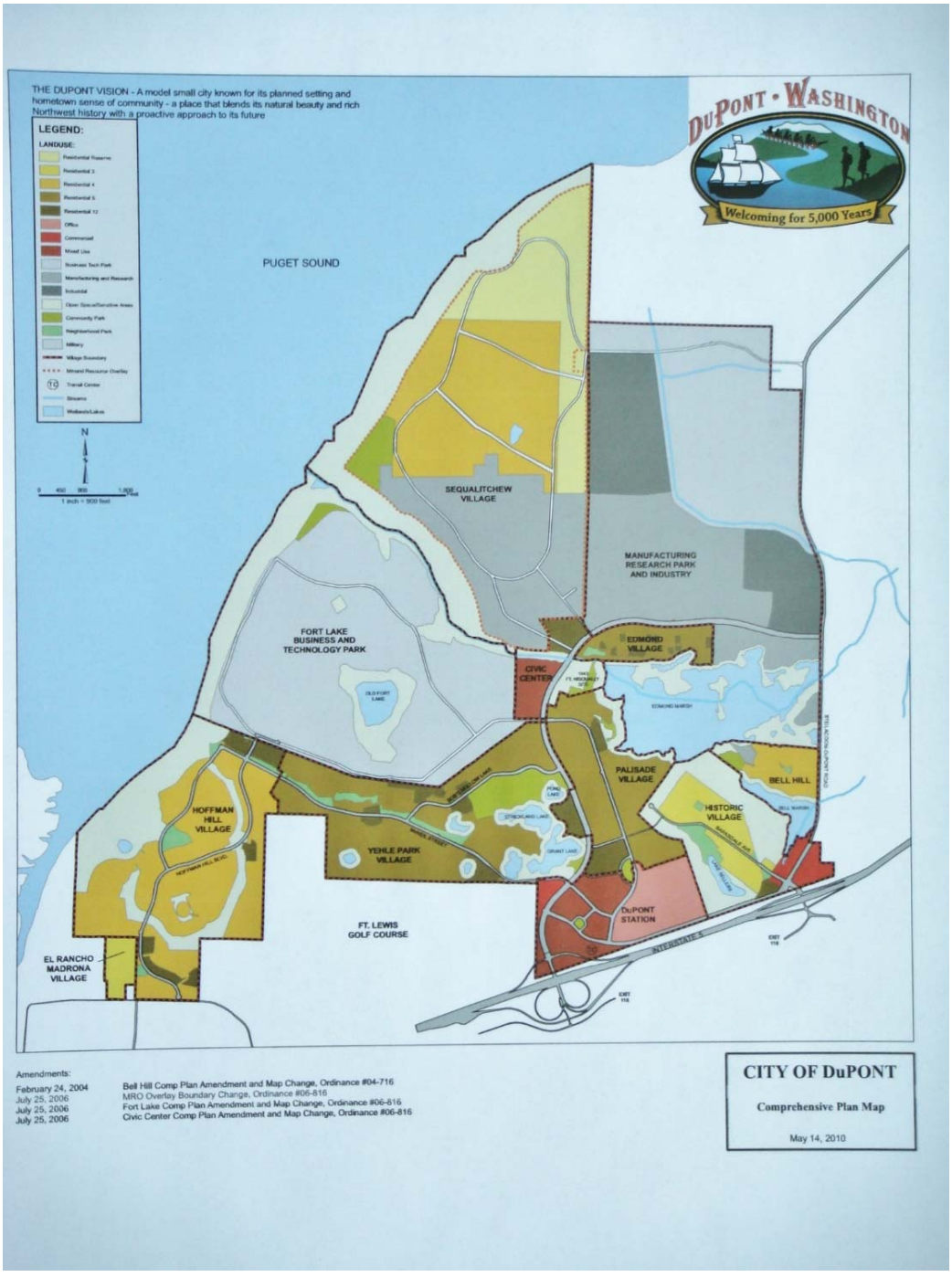
Don Russell

# CALPORTLAND'S SEQUALITCHEW CREEK RESTORATION PLAN

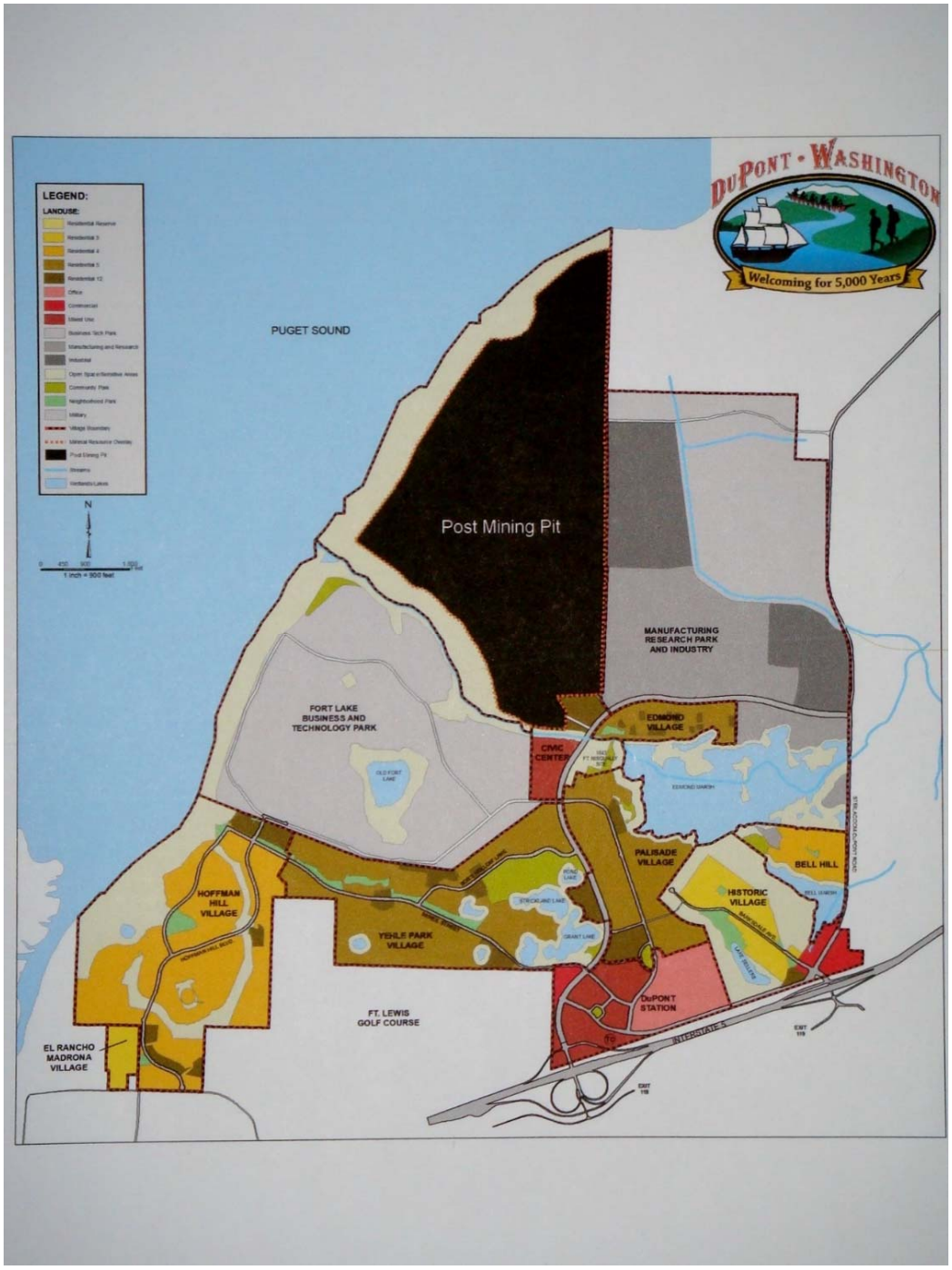
## Preface

This paper describes how Weyerhaeuser and CalPortland (under its several alias) have succeeded in manipulating events, data and people into accepting their version of the future of a once forested 700 acres of prime DuPont real estate.

## Weyerhaeuser's Vision as presented to DuPont's private property owners



**Weyerhaeuser/CalPortland's Vision of 700 acres of prime DuPont real estate**




**CalPortland's proposal for reconciling these two contrasting and contradictory visions**

In exchange for the City of DuPont issuing a conditional use permit to mine approximately 300 acres of Vashon aquifer groundwater saturated gavel contained within the footprint of its 700 acre gravel pit CalPortland has offered the City of DuPont a Sequalitchew Creek Restoration Plan that upon its implementation will render the site unfit for its intended future development.

**Origin of the Sequalitchew Creek Restoration Plan**

The CalPortland/Environmental Caucus/South Puget Sound Salmon Enhancement Group drafted Sequalitchew Creek Restoration Plan is the result of three decades of CalPortland's manipulation of events, data and people as chronicled below.

**1993 DuPont Quality-of-Life Committee Newsletter**

In June, 1993 a Neighbor to Neighbor citizen newsletter "*…dedicated to the great proposition that DuPonters have the right (and responsibility) to protect our quality-of-life and this region's historical and environmental integrity*" published an article in opposition to a proposed Weyerhaeuser/Lone Star DuPont 700 acre gravel mine.

The article is insightful since it described in detail Lone Star's (CalPortland) strategy for overcoming citizen opposition to its acquisition of a conditional use permit to mine gravel in land that it either leased or purchased in the City of DuPont under conditions that it dictated.

CalPortland's 1993 strategy was to provide DuPont's Planning Manager the necessary funding and consultants to draft a request that the City issue a conditional use permit to mine dry gravel in City designated mineral resource overlay areas and to convince the Mayor and City Council that approval of such a conditional use permit would benefit the City of DuPont. Should issuance of a conditional use permit to mine gravel be legally challenged by any outside party, i.e., citizens of DuPont or environmental advocacy group CalPortland would pay all the City's legal expenses necessary to defend the City Council's approval of issuance of a conditional use permit.

Application of this CalPortland strategy is manifest in all CalPortland manipulated events that have taken place since 1993. This strategy has been instrumental in determined the outcome of subsequent actions related to the development of the CalPortland/Environmental Caucus/South Puget Sound Salmon Enhancement Group drafted Sequalitchew Creek Restoration Plan. The Sequalitchew Creek Restoration Plan contains no relevant citizen stakeholder input.

Provisions of RCW 90.82 Watershed Planning assure that "*DuPonters have the right (and responsibility) to protect* [their] *quality-of-life and this region's historical and environmental integrity*" as codified below.

"*The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development.*" RCW 90.82.005

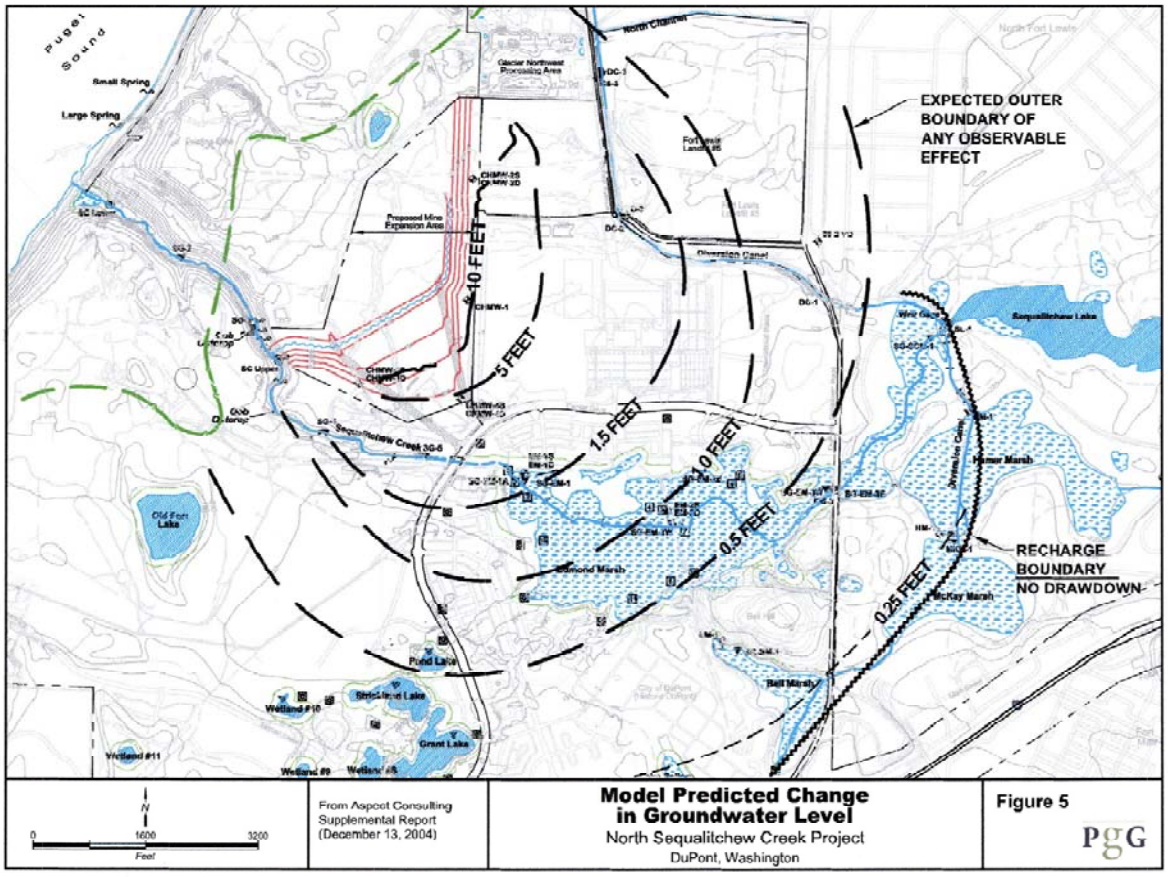
"*The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources.*" RCW 90.82.010

DuPonters have been denied "*the right (and responsibility) to protect* [their] *quality-of-life and* [DuPont's] *historical and environmental integrity*" contrary to provisions of RCW 90.82.

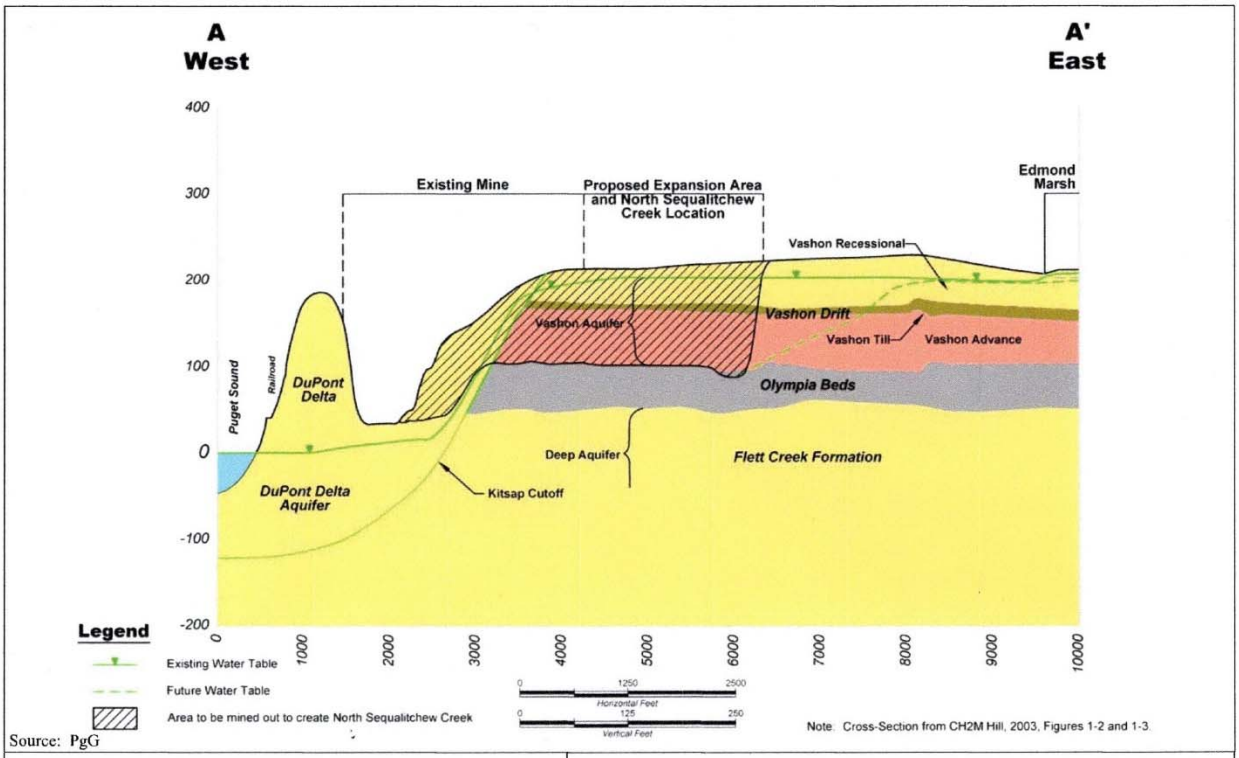
**The 1994 Settlement Agreement**

In 1994 in exchange for limited access and use of Weyerhaeuser owned land the City and several environmental advocacy groups (Environmental Caucus) entered into an Agreement that granted Lone Star (CalPortland) a conditional use permit to mine gravel in a 360 acre designated mineral resource overlay area. A key provision of that Agreement was "*WRECO and Lone Star agree to seek no permit in the future to mine…in a manner that would significantly impact the flow of Sequalitchew Creek.*"

During 2002-2006 Glacier Northwest (CalPortland) employed several consulting firms to study the hydrogeology of its existing 360-acre gravel mine and a proposed 170 acre south expansion area of its mine. The task was to come up with a plan (North Sequalitchew Creek) to access the Vashon aquifer saturated gravel that existed in 117 acres of its existing mine and in 170 acres of a leased south mine expansion area. These two areas were jointly referred to as the South Parcel.




The results of CalPortland consultants' studies are shown in the above illustration, i.e., a ground and surface water drainage ditch constructed at the base of the southeastern wall of the south mine expansion area. This in mine drainage ditch was intended to discharge its comingled groundwater and stormwater runoff through a cut in the southwestern mine wall and into lower Sequalitchew Creek. This proposal was called the North Sequalitchew Creek project.




This figure is from the Final Supplemental Environmental Impact Statement, Glacier Northwest DuPont Mining Area Expansion and North Sequalitchew Creek Project, May 1, 2007, Figure 3.4-1

**Figure 9**
**Generalized Geologic Cross Section**

553-3044-001/03(04) 1/09 (B) ai

The above illustration shows the location of the proposed in mine breached Vashon aquifer groundwater and stormwater runoff interceptor drainage ditch (aka North Sequalitchew Creek) perched upon impervious post mining exposed Olympia Bed material (center of the illustration). Note also that the post mining condition exposes impervious Olympia Bed material westward to a 25 foot drop off into the pervious bottom of the existing CalPortland DuPont mine.

**Expansion of DuPont's mineral resource overlay area**

In 2006 CalPortland persuaded the DuPont City Council to designate the entire 700 area shown in black on the second iteration of DuPont's Comprehensive Plan Map as a mineral resource overlay area. It included the South Parcel and a CalPortland owned North Parcel.

**2006-2008 The City of DuPont modifies its Comprehensive Plan**

The modification was done to reflect the expanded mineral resource overlay area and facilitate the permitting of Glacier Northwest's mining of both the South and North Parcels.

**2008 Nisqually Delta Association Intervention**

On July 16, 2008 the Nisqually Delta Association asserted that the proposed expansion of Lone Star's (CalPortland) gravel mine violated section II.B.5 of the 1994 Settlement Agreement's

provision "…*not to seek any permits to mine within the shoreline jurisdiction, within 100 feet of the top of the bank of Sequalitchew Creek, or in a manner that would significantly impact the flow of Sequalitchew Creek.*"

On January 4, 2009, the Nisqually Delta Association sent a Notice of Breach of the 1994 Settlement Agreement and Request for Mediation to Glacier Northwest and the City of DuPont.

**February 13, 2009 Don Russell submittal to DuPont's Hearing Examiner**

In my submittal I expressed opposition to the City's issuing a conditional use permit to Glacier Northwest for mining the South Parcel as proposed by Glacier Northwest's consultants and as conditioned by DuPont's Planning Manager on several bases.

Glacier Northwest's proposal envisioned the creation of an in mine 4000 foot long drainage ditch (aka North Sequalitchew Creek) to intercept 6.5 million gallons per day of breached Vashon aquifer groundwater discharging from the face of the steep eastern bank of the expanded South Parcel gravel mine plus any stormwater runoff from 287 acres of exposed South Parcel Olympia Bed impervious surface. This comingled discharging groundwater and polluted surface water runoff would then be conveyed through 500 feet of pipeline bored through the south wall of the mine and discharge into the Sequalitchew Creek ravine. Above this point of discharge there would be no groundwater discharge supplied base flow in Sequalitchew Creek.

I noted that execution of the proposed North Sequalitchew Creek plan would result in the elimination of Kettle Wetland and Sequalitchew Creek canyon Seep and Riparian Forest wetlands in violation of several of DuPont's sensitive areas regulations and RCW 78.44 that states *"…reclamation of mined lands is necessary to prevent or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state.*" The post mining condition of a dewatered DuPont gravel mine would be in violation of provisions of this RCW mandate.

Subsequently a decision was made by the parties signatory to the 1994 Settlement Agreement to abandon the Hearing Examiner approach to resolving the dispute between the Nisqually Delta Association, Glacier Northwest (CalPortland) and the City of DuPont in favor of what became known as the Memorandum of Understanding/Feasibility Study process.

**Memorandum of Understanding/Feasibility Study process**

In 2010 CalPortland proposed that the concerned parties enter into a Memorandum of Understanding Agreement. This CalPortland drafted MOU Agreement contained the following provisions: (1) *This MOU reflects the parties understanding of the process that will be followed in an effort to <u>avoid protracted litigation</u> concerning the 1994 Settlement Agreement.* (2) *The purpose of the Feasibility Study will be to identify and evaluate potential alternatives for improving ecosystem functions in the Sequalitchew Creek's watershed. The <u>parties expressly recognize that mine dewatering</u> is one such an alternative*, and (3) *The parties will meet to develop a list of possible actions that would <u>mitigate the potential impacts</u> of the proposed project by improving, enhancing, or protecting ecosystem functions in the Sequalitchew Creek watershed*.

On February 2, 2010 I advised DuPont City Council to not enter into such an MOU/Feasibility Study Agreement on the basis that the CalPortland proposed North Sequalitchew Creek South Parcel mining proposal, if executed, would violate several DuPont sensitive area regulations and the post mining restoration provisions of RCW 78.44, as would any other dewatering proposal.

All of the identified and evaluated potential alternatives for improving ecosystem function in the Sequalitchew Creek watershed were fatally flawed. Nevertheless, one alternative was chosen as a result of the MOU/FS process. It was alternative 1.6 titled: Infiltrate a Portion of Dewatering and Post-mining Groundwater Discharge to Recharge Puget Sound Springs.

Derek Booth of Stillwater Sciences, consultant for the Environmental Caucus, described alternatives that proposed infiltration of dewatering water within the mine as: "*We find no basis to expect they will offer any net environmental gain and do not support their advancement.*"

I submitted a paper titled The Consequence of Dewatering the Vashon Aquifer to all parties to the MOU/FS Agreement that stated that the 1.6 alternative was more seriously flawed than was the original CalPortland proposed North Sequalitchew Creek dewatering proposal.

In September 2010 Ron Frederick requested that Mayor Jenkins form a citizen advisory group to advise the Mayor and City Council regarding growing citizen concern about CalPortland's undue influence on DuPont's Planning Manager and Hearing Examiner, the lack of application and enforcement of existing City of DuPont's sensitive area regulations, and the very limited opportunity afforded citizens to participate in the ongoing CalPortland/Environmental Caucus/City watershed planning process.

**2011 Settlement Agreement**

On June 24, 2011 Sally Toteff (DOE), Pete Stoltz (CalPortland) and Tom Skjervold (Nisqually Delta Association) announced "**Agreement reached on plan to help restore Sequalitchew Creek, allow new mining proposal."** This Agreement essentially removed most of the constraints to CalPortland's obtaining a permit to mine dry (North Parcel) and Vashon aquifer groundwater saturated gravel (South Parcel) from CalPortland's expanded (from 360 acres under provision of the 1994 Settlement Agreement to 700 acres under provisions of the 2011 Settlement Agreement) DuPont gravel mine.

I advised DuPont Council members in numerous papers (one of which was titled: Grounds for Not Approving the Settlement Agreement) and via public testimony that the City should not become a signatory to the 2011 Settlement Agreement for a variety of reasons. All of which would significantly reduce the City's ability to bargain with CalPortland for significant benefits that would accrue to DuPont's residents, private property owners, visitors, and tourists.

On January 26, 2012, the City of DuPont Council authorized Mayor Grayum to sign on behalf of the City of DuPont the CalPortland lawyer drafted 2011 Settlement Agreement.

**Sequalitchew Creek Restoration Plan**

The 2011 Settlement Agreement required that the Sequalitchew Creek Restoration Plan incorporate the below five elements (as defined by CalPortland's consultants Aspect and Anchor) in order for the Plan to be approved by CalPortland and the Environmental Caucus.

*4.1.1. Improvement of gradients so* [surface] *water discharges from Hamer and Bell Marshes flow into Edmond Marsh rather than into the diversion canal.*

*4.1.2. Improvements to create significant* [surface water] *flows from Sequalitchew Lake into the Edmond Marsh complex to support a functional creek ecosystem, and provide for the passage of migratory fish in the Sequalitchew Creek system. To achieve this goal, the Parties will consider, at minimum, modification of the diversion canal flood control structure and gradients.*

*4.1.3. Rehabilitation of Edmond Marsh by removal of sufficient fill and other flow impediments to provide the hydraulic gradients and capacity necessary to achieve and maintain adequate* [surface water] *flows through the Marsh.*

*4.1.4. Rehabilitation of Sequalitchew Creek below Edmond Marsh to reduce seepage, improve fish habitat, and help restore year-round* [surface water] *flows.*

*4.1.5. Active management of beaver activities to maintain the hydraulic gradients that provide* [surface water] *flows through Hamer, Bell, and Edmond marshes. For purposes of this section, "active management of beaver activities" means management commencing with the least intrusive method and progressing to more intrusive methods only as necessary to maintain hydraulic gradients and flows, with lethal removal utilized only as a last resort.*

The above inserted bracketed words make it clear that CalPortland incorrectly assumed that Sequalitchew Creek is a surface water driven system. It is not. It is a groundwater discharge driven system. Herein lies the fallacious foundation of the CalPortland consultant drafted Sequalitchew Creek Restoration Plan.

Unfortunately, these CalPortland consultant prescribed elements were never vetted by others to determine whether or not they were grounded in a proper characterization of the 2011 condition of the Sequalitchew Creek watershed. What existed then (on the left) and what exists now (on the right) is best illustrated by a comparison of the two below photographs. In stream flows are dependent upon shallow aquifer groundwater levels. Ground water withdrawals (dewatering) are antithetical to surface water flow in the Edmond Marsh/Sequalitchew Creek ecosystem.

CalPortland's consultants characterized the Sequalitchew Creek/Edmond Marsh complex as a surface water driven system. It is not. It was a groundwater driven system that over the years has been adversely impacted by ever declining Vahon aquifer groundwater levels and ever increasing quantities of stormwater runoff being discharged into this once pristine salmon bearing groundwater fed stream and associated wetland complex.

What CalPortland's consultants monitored during the period from 2003 up until till 2011 and upon which the Sequalitchew Creek Restoration Plan was built no longer represents the condition of the Sequalitchew Creek watershed today. The Sequalitchew Creek Restoration Plan proposed by CalPortland's consultants is not relevant to addressing today's degraded condition of Edmond Marsh and what little is left of a naturally flowing and functioning Sequalitchew Creek.

**A Relevant Sequalitchew Creek Restoration Plan**

A relevant Sequalitchew Restoration Plan would recognize that a further and permanent lowering of the Vashon aquifer groundwater level beneath the Edmond Marsh/Sequalitchew Creek complex as proposed by CalPortland's dewatering proposal is antithetical to restroration of a groundwater discharge fed salmon bearing Sequalitchew Creek flowing through an associated groundwater sustained Edmond Marsh wetland.

The elements of such a plan would be the control of the surface water levels of upgradient groundwater fed, occasionally stormwater runoff polluted, Bell, McKay and Hamer Marshes so as to provide the necessary hydraulic head to cause water contained in these marshes to infiltration into the underlying groundwater that flows subsurface (not on the surface) to discharge into lower elevation level Edmond Marsh.

To facilitate the interception of this subsurface flow of groundwater and enhance the volume of its discharge into Edmond Marsh a Sequaltichew Creek channel should be constructed (dug) all along the eastern boundary of Edmond Marsh by CalPortland. This is the proper location for constructing a discharging Vashon aquifer groundwater intercepor channel, not at the bottom of a breached Vashon aquifer groundwater discharge/stormwater runoff flooded gravel mne pit!

**Action Required**

The Mayor and City Council should start acting on behalf of the citizens of the City of DuPont that they represent instead of acceding to CalPortland's under threat of "*protracted litigation*" demands.

The proposed Sequalitchew Creek Restoration Plan offered by CalPortland is a bright and shiny bauble to attract attention away from the fact that its execution will cause permanent and irreversible environmental harm to a groundwater disconnected Edmond Marsh/Sequalitchew Creek complex and a lost opportunity for what could become a salmon bearing Sequalitchew Creek flowing through the center of the City of DuPont.

If the proposed CalPortland Sequalitchew Restoration Plan is executed not only will Edmond Marsh/Sequalitchew Creek be lost forever, DuPont private property owners will be paying to operate and maintain an in mine facility to handle 6.5 million gallons per day of discharging groundwater comingled with a like quantity of polluted stormwater runoff in an area designated by the City to become Sequalitchew Village residential and industrial area real estate.

**Conclusion**

I have written and circulated numerous papers on the proper characterization of the Edmond Marsh/Sequaltichew Creek complex, how Mother Nature intended this complex to work, how the actions of humans have impaired its natural function, almost beyond the ability to restore it, and, importantanly, how at this late date this complex can be restored as desirable salmon habitat, an aesthetic ammenity to be enjoyed by the citizens of DuPont, and a popular tourist destination.

**References**

1953 Graduate (BS) of the University of Washington School of Fisheries, high school biology teacher, chemist, 21 year Pierce Conservation District volunteer stream and lake water quality monitor, long time member of the Chambers-Clover (Sequalitchew) Creek Wateshed Council (serve on its executive committee and as its former technical director), for seven years (2008-2014) observed, photo documented, took and analysed water samples from Sequalitcheww Lake, Edmond Marsh, Sequalitchew Creek and related marshes and authored numerous papers on the condition of the Sequalitchew Creek watershed and what would be required to restore its lost beneficail uses for salmon and people.

February 13, 2009 Letter to DuPont Hearing Examiner opposing Pioneer Aggregate-Glacier Northwest Mine Expansion into 180 acres of forested land located adjacent to and southest of its existing and approved by the 1994 Settlement Agreement 360 acre DuPont gravel (aggregate) mine.

February 25, 2009 paper titled: DuPont's Approval of Glacier Nothwest's Mine Expansion. This paper properly characterized the Edmond Marsh/Sequalitchew Creek ecosystem and cited the adverse environmental impacts that permitting CalPortland to expand its mining operations into 177 acres in a south extention would do to the environment.

June 28, 2009 paper titled Why Should the City of DuPont Care? This paper asks and answers the question "Why should the City of DuPont care about CalPortland's proposal to dewater the Vashon aquifer so that it can remove aggregate in an area of the City zoned for residential and industrial use?"

December 14, 2009 paper titled An Analysis of Glacier Northwest's MOU Strategy

January 10, 2110 Letter to Dawn Masko, DuPont City Administrator raising questions about the propriety of DuPont's Land Use Administrative Practices, i.e., specifically concerns about the City's practice of severly limiting public participation in land use decisions.

February 2, 2010 paper titled In Responsed to GN's MOU Preliminary Draft Feasibility Study

February 4, 2010 paper titled Restoration of the Sequalitchew Creek Watershed

February 10, 2010 Stillwater Sciences Technical Memorandum that comments on the feasibility of each of CalPortland/Core Group's proposed dewatering alternatives. None were adequate.

May 17, 2010 paper titled The Consequence of Dewatering the Vashon Aquifer.

September 2, 2010 paper titled An Examination and Evaluation of Alternative 2.1.6 Infiltrate Stormwater and Groundwater Discharges to Recharge Puget Sound Springs. Followed by a paper titled Glacier Northwest's MOU/FS Strategy viewed in Context

October 1, 2010 Mayor Jenkins establishes a Sequalitchew Creek and Edmond Marsh Committee chaired by Ron Frederick to advise her about the environmental condition of Sequalitchew Creek and land use practices and regulations that might protect the ecosystems of Sequalitchew Creek and Edmond Marsh from irreparable damage. I respond with an October 3, 2010 letter that addresses the subject The effectiveness of mitigation vs no impact in wetlands permitted citing the six goals of the Puget Sound Partnership that would be violated if DuPont issued a permit to CalPortland to dewater the Vashon aquifer. This was followed up by a October 8, 2010 paper titled Science and CalPortland's Dewatering Proposal

October 11, 2010 Letter advising a group of concerned DuPont citizens about CalPortland's Track Record of Promises vs Its Performance. This letter concluded with the statement that: *"There is simply no mitigation that will offset the permanent adverse impacts that will occur to Edmond Marsh and Sequalitchew Creek should CalPortland be permitted to dewater the Vashon aquifer!"*

October 22, 2010 paper titled Edmond Marsh and Sequalitchew Creek Watershed. This paper was written in response to the Mayor appointed Edmond Marsh and Sequalitchew Creek Committee's quest to understand the current environmental condition of Edmond Marsh and Sequalitchew Creek and the measures needed to preserve, protect and restore their historical function and values.

November 12, 2010 paper titled Misconceptions and Clarifications. This paper was written to address certain misconceptions and clarifications about citizen and governmental agency response to CalPortland's proposed expansion of its DuPont gravel mining operations.

November 25, 2010 paper titled Origin and History of the Diversion Canal

January 11, 2011 paper titled Message to DuPont City Council and Mayor This paper described the inferior position of citizen interests vis a vis the superior position of the Mayor and City staff in determining the fate of environmental conditions in the City of DuPont, i.e., the existence of an inverted power pyramid.

March 14, 2011 DJR discovery of the source of iron pollution in West Edmond Marsh

May 15, 2011 DJR commentary on the environmental impact on Sequalitchew Creek of the construction of Creekside Village and Center Drive access road modification.

July 6, 2011 paper titled Commentary on the Settlement Agreement sent to Mayor and Council members with an attachment titled CalPortland's Promises vs Its Performance noting that CalPortland has a poor track record of fulfilling its promises as evidenced by its violation of provisions of the 1994 Settlement Agreement and DNR provisions of its mining permit.

July 8, 2011 paper titled The Untold Story Behind the Settlement Agreement

July 9, 2011 DJR refutes Ecology's claim that there will be no adverse impact on the City of DuPont's domestic water supply as a result of permitting CalPortland to dewater the Vashon aquifer.

Sometime in July 2011 the October 1, 2010 Mayor appointed Sequalitchew Creek/Edmond Marsh Committee issues its Final Report. It contained 10 Recommendations on how the City of DuPont and its citizens can work together to provide protection of its valuable natural resources.

August 2, 2011 paper titled Grounds for Not Approving the Settlement Commentary on Settlement Agreement submitted to the Mayor and City Council members.

September 2, 2011 DJR Letter to Sally Toteff (Ecology) with copies to City Council members complaining about the brief amount of time allowed five citizens to speak of their opposition to the City Council authorizing the City of DuPont Mayor to become a signatory to the 2011 Settlement Agreement.

September ?, 2011 Gendler and Mann (attorneys) letter to Mayor Jenkins and City Council stating: *"You may believe that the Settlement Agreement does not bind you to any specific course of action and that you may therefore approve it prior to your review of the SEPA analysis. This belief is wrong for at least two significant reasons. First and foremost, ask yourselves the simple questions - if the Settlement Agreement does not bind the City to any course of action, then why are you signing it? Why does CalPortland want you to sign it? The answer should be obvious -by committing itself to the Settlement, the City is giving at least the appearance of cooperation and that it will issue the future permits. Indeed, the Settlement Agreement confirms in Section 12 that "based on existing information and analysis the Governmental parties believe they can issue permits consistent with this agreement." But the City is not in "believe" that permits may be issued for this project - especially at this early date. The City owes to itself and its citizens the responsibility and duty to remain absolutely and completely neutral.*" The letter went on to state: "*The City should decline to participate in the Settlement. The City should instead follow the process set out by SEPA and its implementing regulations, and, prior to making any decisions on CalPortland's proposal, fully educate itself on the complete environmental ramifications of your decisions.*"

September 6, 2011 DJR Power Point presentation titled Hydrology and Geology of DuPont.

September 27, 2011 DJR addresses the Mayor and City Council expressing opposition to the City signing the 2011 Settlement Agreement since it would commit the City staff to support CalPortland's quest to dewater and mine the South Parcel. That address is documented in a paper titled Public Hearing Comments on the 2011 Settlement Agreement.

September 30, 2011 DJR Power Point presentation titled Commentary on Settlement Agreement

October 2, 2011 Diana Barbera Letter published in The Suburban Times bearing the title DuPont Resident opposes [2011 Settlement] agreement.

January 26, 2012 paper titled Final Comments on the 2011 Settlement Agreement citing reasons why the City Council should not authorize the Mayor to become a signatory to the 2011 Settlement. It concluded by stating: "*…the role of the DuPont City Council should be to preserve, protect, restore and enhance the wellbeing, property values and quality of life for the citizens of DuPont by not approving the 2011 Settlement Agreement which promotes the commercial interests of CalPortland whose expanded South Parcel mining activities would diminish the value of all that the citizens of DuPont cherish about their City.*"

On January 26, 2012, the City Council voted in favor of authorizing the Mayor to sign the 2011 Settlement Agreement that pledged the City to support CalPortland's 1994 to 2011 quest to obtain a permit to dewater and mine the South Parcel.

January 29, 2012 DJR submits a Letter to the Editor of The Suburban Times under the banner The Consequence of the City of DuPont Council Approving the 2011 Settlement Agreement. That article concluded with the statement: "*There is no mitigation that will offset the adverse impacts that lowering the groundwater level in DuPont to facilitate mining saturated gravel in 117 acres of CalPortland's existing mine and in 180 acres of a leased south expansion area collectively known as the South Parcel will have on the natural function of Edmond Marsh, Sequalitchew Creek, Kettle Lake (to be eliminated), Sequalitchew Creek Ravine Riparian Forest and Springs and Puget Sound Shoreline Springs all of which are dependent upon their connectivity to and continuity with Vashon aquifer groundwater.*"

What followed in subsequent years was CalPortland's consultants (Anchor and Aspect), Nisqually Delta Association (Tom Skjervold) and South Puget Sound Salmon Enhancement Group (Lance Winecka) discussions on how to implement provisions of CalPortland lawyers' crafted 2011 Settlement Agreement. These discussions were closely held, resulting in precluding any DuPont citizen and concerned watershed stakeholder input. What emerged from these discussion was the CalPortland consultant crafted Sequalitchew Creek Restoration Plan.

In 2017 I provided the City of DuPont a proposed City managed Edmond Marsh/Sequalitchew Creek restoration plan. This plan was based upon a proper characterization of the condition of the Edmond Marsh and Sequalitchew Creek ecosystem. It was titled Edmond Marsh Fact vs [CalPortland's] Fiction.

Bottom line: CalPortland's proposed Vashon aquifer dewatering interception channel should be constructed by CalPortland paralleling the eastern shoreline of Edmond Marsh and be named coho salmon friendly groundwater fed Sequalitchew Creek and its off channel associated Edmond Marsh wetlands. It should not be located at the bottom of a mined out gravel pit that is subsequently slated to be developed as Sequalitchew Village (featuring Kettle Lake) and light industrial park that does not experience, in perpetuity, continuous groundwater discharge exacerbated by intermittent stormwater runoff flooding events.

Don Russell

November 15, 2020

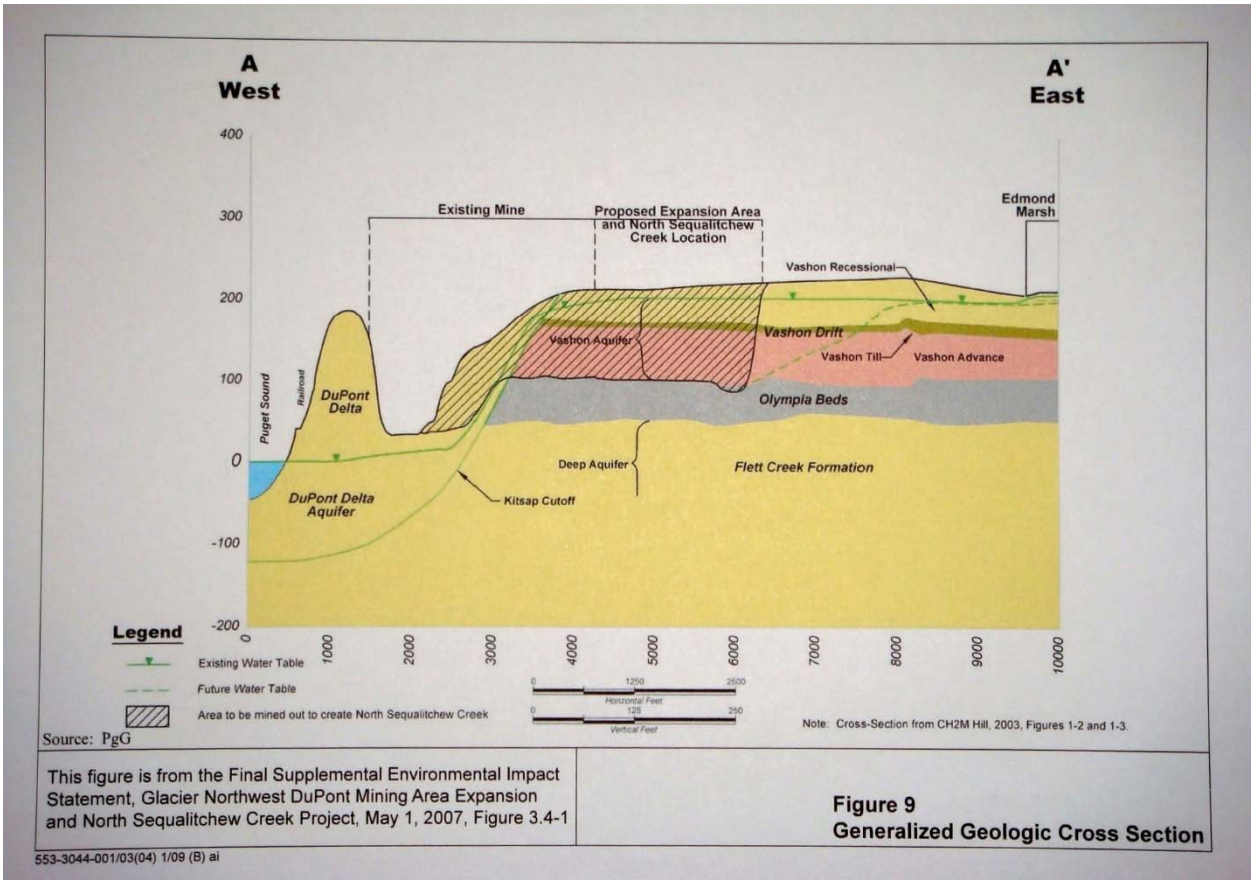
## THE EFFECT OF DEWATERING THE VASHON AQUIFER

### Preface

This paper is in response to Al Schmauder's question about the effect of CalPortland dewatering the Vashon aquifer to access groundwater saturated gravel in 117 acres of its present mine plus 177 acres in a south expansion area of its gravel mine. His question was: *If groundwater is withdrawn from the Vashon aquifer SE of Edmunds Marsh, wouldn't it dry up the marsh?*

The short answer to that question is Yes. A more detailed answer to the question is provided below.

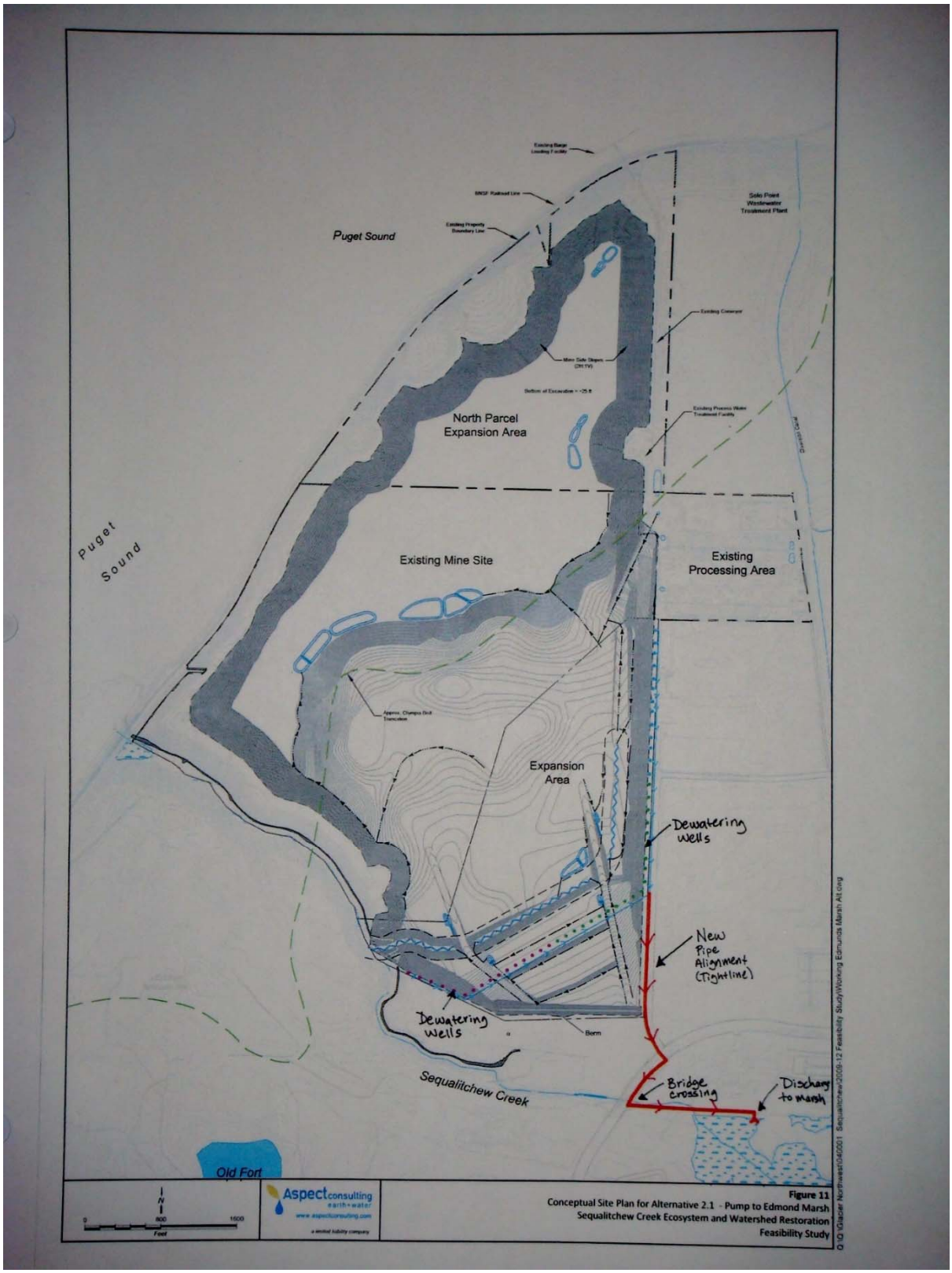
### Pre and post Vashon aquifer groundwater level before, during and after dewatering




This is the cross section of the hydrogeology of the area. The green line with inverted pyramids shows the existing Vashon aquifer groundwater level. The green dotted line shows the Vashon aquifer groundwater level during and after CalPortland's dewatering of the area.

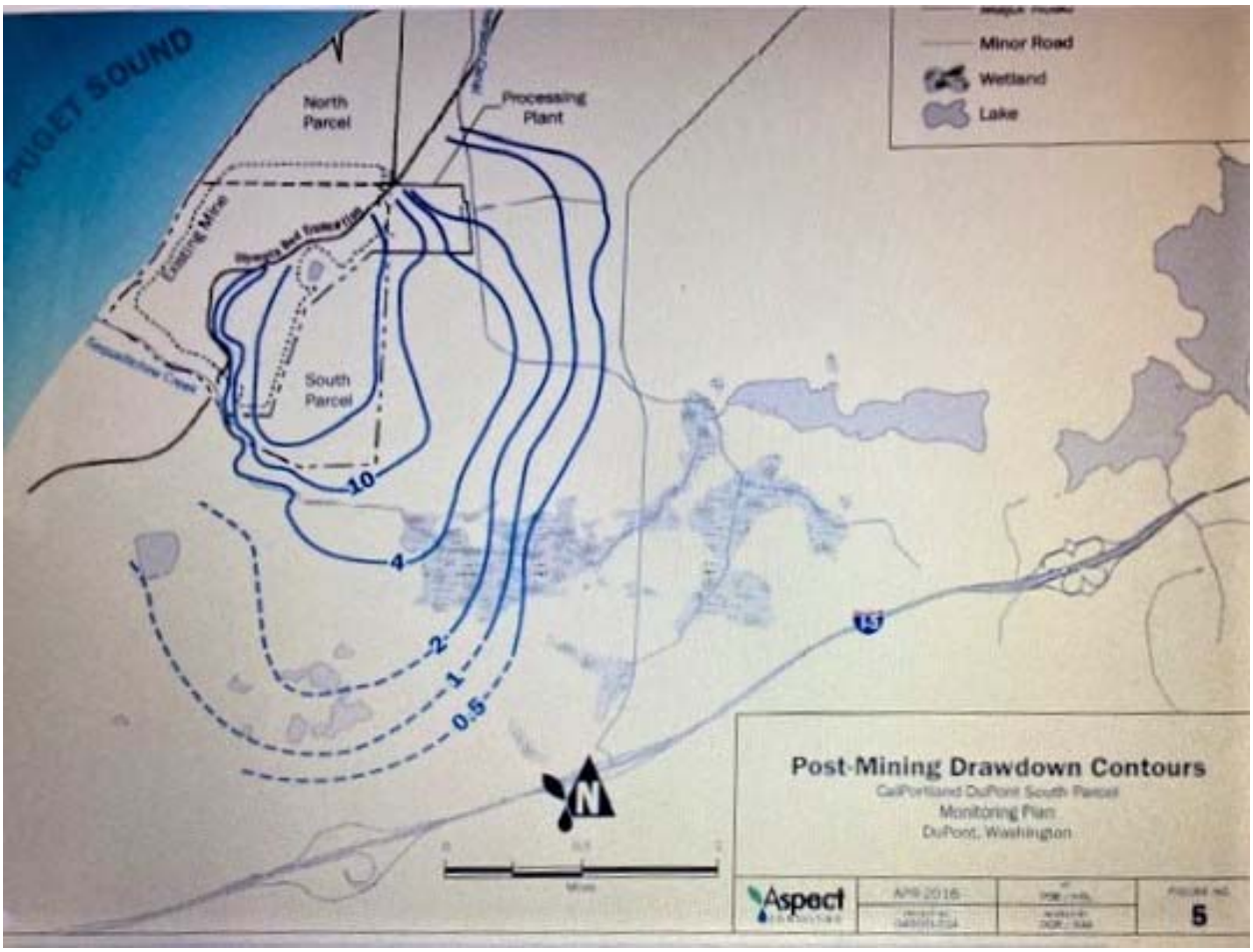
Note that the solid green line is shown as underlying and supporting groundwater that currently manifests itself as surface water in Edmond Marsh whereas after the dewatering pumps are turned off and removed that the Vashon aquifer groundwater level will be well below Edmond Marsh. Disconnect the groundwater that supports Edmond Marsh and it will dry up.

How CalPortland proposes to dewater the Vashon aquifer is show in the below illustration.




Note the extensive array of dewatering pumps around the south and east perimeter of the mine pit. Also note that the combined discharge of these pumps is discharged into Edmond Marsh.

This technique will provide substantial pumped groundwater flow from the west end of Edmond marsh and down the ravine reach of Sequalitchew Creek. However, once the dewatering pumps are turned off and removed water in Edmond Marsh and flow in the ravine reach of Sequalitchew Creek will disappear. The effect of dewatering on groundwater level is illustrated below.

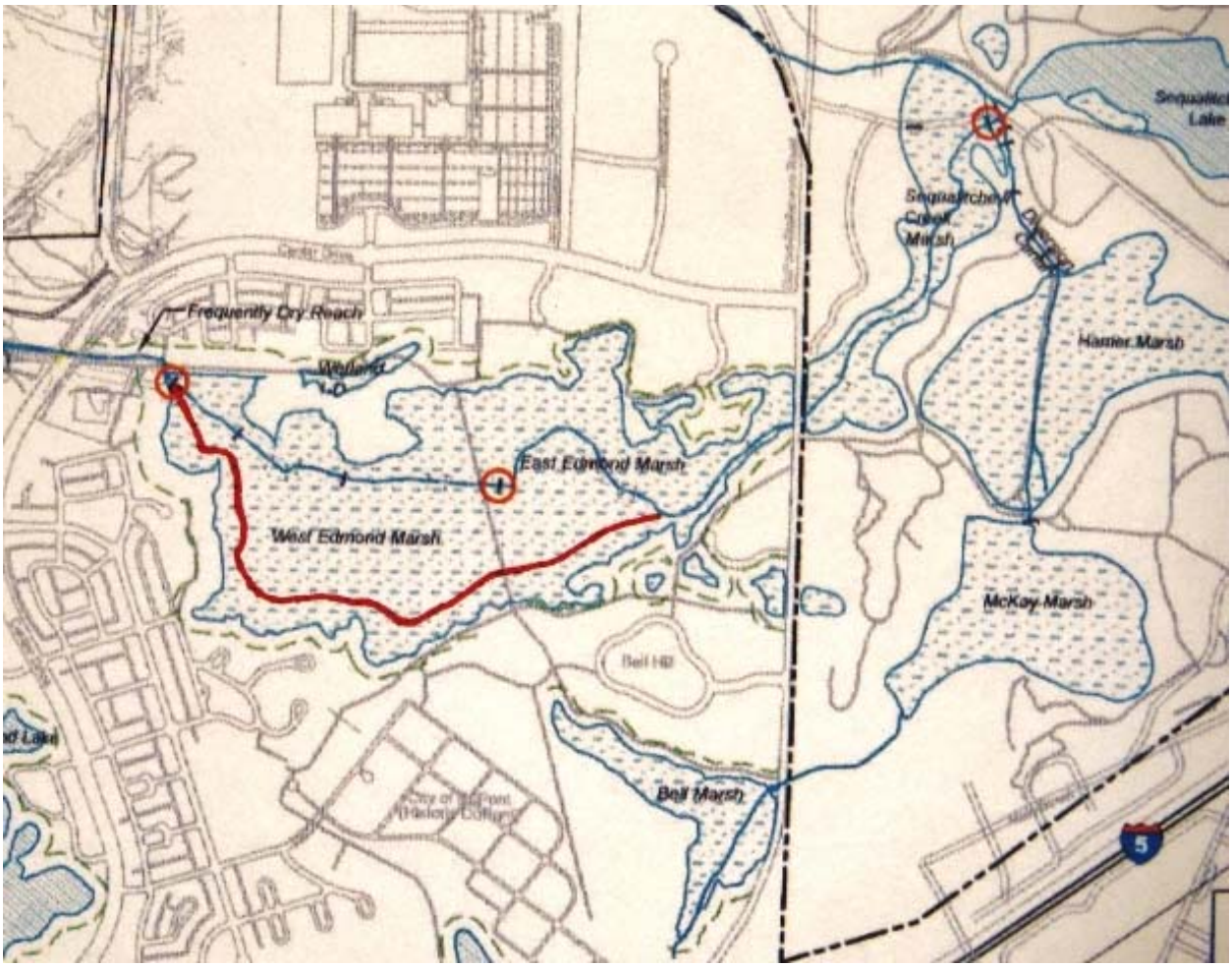



**Consequence of permitting dewatering of the Vashon aquifer**

It will only become evident when the dewatering pumps are turned off 14 years hence that the disastrous ecological effect will become evident to the Department of Ecology, Environmental Caucus members, Nisqually Tribe, WDFW, DNR and the citizens of DuPont.

There will be no viable salmon habitat in the Sequalitchew Creek sub watershed, no functional Edmond Marsh wetland, and no groundwater discharge flow in Sequalitchew Creek. In other words, the Sequalitchew Creek watershed will become as groundwater discharge deprived and dysfunctional as much of the Clover Creek subbasin watershed.

There is an environmentally friendly way of lowering the Vashon aquifer groundwater level beneath the South Parcel. That is, to intercept the southeast to northwest subsurface groundwater flow of the Vashon aquifer by constructing a groundwater interception and discharge fed Sequalitchew Creek all along the eastern boundary of Edmond Marsh as shown in red on the below illustration.




Such a constructed Vashon aquifer groundwater interception channel would assure perennial Coho salmon inhabitable groundwater discharge flow from east to west through Edmond Marsh and down the ravine reach of Sequalitchew Creek.

The notion that warm, low dissolved oxygen concentration surface water flow from Sequalitchew Lake and stormwater runoff polluted surface water flow from Bell, McKay and Hamer Marshes can restore a natural functioning Edmond Marsh wetland and upper flowing reach of Sequalitchew Creek is a fatally flawed.

Such a Plan as mitigation for the irreversible ecological damage that executing CalPortland's proposed dewatering of the Sequalitchew Creek sub basin watershed will have should be embraced by no one who is familiar with Coho salmon habitat requirements.

Don Russell

9/19/21

**From:** Jim Taylor <mybluedog72@msn.com>
**Sent:** Tuesday, June 24, 2025 10:18 AM
**To:** Barbara Kincaid
**Subject:** I oppose DuPont Mine expansion

Barb,
I am a concerned citizen of this Cal Portland mine expansion in DuPont. Something is just not right when wording is changed by the City on the
environmental impact findings that are changed from "significant impacts" to "minor impacts" just hours before the CalPortland mining hearing.
All this sounds pretty shady. You did not disclose this to the public and in the document that was changed the night before or morning of hearing.
THIS is ILLEGAL under Washington State Environmental Policy.

This project will severely decimate Sequalitchew Creek and surrounding area.

I OPPOSE CALPORTLAND MINE EXPANSION.
Thank you.
Nancy Taylor

**From:** Jim Taylor <mybluedog72@msn.com>
**Sent:** Tuesday, June 24, 2025 11:58 AM
**To:** Barbara Kincaid
**Subject:** FW: I oppose DuPont Mine expansion

Hello Barb.
Please send me an acknowledgement that you received my email.
Thank you.
Nancy Taylor
Mybluedog72@msn.com

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Jim Taylor <mybluedog72@msn.com>
Date: 6/24/25 10:17 AM (GMT-08:00)
To: bkincaid@dupontwa.gov
Subject: I oppose DuPont Mine expansion

Barb,
I am a concerned citizen of this Cal Portland mine expansion in DuPont. Something is just not right when wording is changed by the City on the
environmental impact findings that are changed from "significant impacts" to "minor impacts" just hours before the CalPortland mining hearing.
All this sounds pretty shady. You did not disclose this to the public and in the document that was changed the night before or morning of hearing.
THIS is ILLEGAL under Washington State Environmental Policy.

This project will severely decimate Sequalitchew Creek and surrounding area.

I OPPOSE CALPORTLAND MINE EXPANSION.
Thank you.
Nancy Taylor

**From:** Jugal Thakor <jugal.thakor@gmail.com>
**Sent:** Friday, June 27, 2025 1:32 PM
**To:** Barbara Kincaid
**Subject:** OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006 - My Testimony

To: Hearing examiner and Dupont city staff,

Growth is unavoidable... However, the balance approach is always needed, within legal limits. That's why city has living and working documents called "Comprehensive Plan" & "critical area". It takes years of hard work of several individual volunteer citizens of city & staff hours to format, review and update time to time.

For the same reason on June 20th: presentation started with Comprehensive Plan.

Not following the agreement / document should not be an option and it is violation on law.

STAFF REPORT & RECOMMENDATION TO THE HEARING EXAMINER June 13th 2025 Page 11 & 12

Finds many inconsistencies for development plan vs comp plan requirements.

I Jugal Thakor as a DuPont resident find it's difficult to approve this project.

In the best interstate of city and its citizens, I oppose this project.

Thank you

Jugal Thakor
916 752 2483

**From:** Kelly Unekis <kunekis@gmail.com>
**Sent:** Monday, June 23, 2025 6:27 PM
**To:** Barbara Kincaid
**Subject:** Additional Responses to the Pioneer Aggregates South Parcel Project following last Friday's meeting.

I have been living in DuPont for 5 years and hope to happily live here for the rest of my life. I love this area for its history, its community, and its abundant natural areas and local wildlife from amphibians, to deer, and birds. I am concerned that more than one of DuPont's main assets may possibly be destroyed. I am appalled at the behavior of the community development board in allowing the Pioneer Aggregates South Parcel Project to continue to proceed to this point, especially given the slipshod responses from CalPortland to very serious concerns. They mentioned in last Friday's (6/20/25) hearing that "they have listened to the community" while providing nothing more than lip service.

There has been no adequate response to the serious adverse effects of their de-watering plan. Draining the Vashon aquifer will permanently alter the landscape and destroy important habitat for all local wildlife. The Kettle wetland replacement would have to be simultaneous to the removal in order to preserve the life of the local amphibian population or they will simply die out with noplace to relocate. Pumping aquifer water back up to the creek to mitigate the reduction in water flow as a result of removing it in the first place is only a short-term solution that will stop as soon as the project has stopped. In addition to the devastation of local wildlife, many of which will simply die as a result, there has been no discussion of the effects on the DuPont Historic Orchard which abuts Edmond's Marsh. This orchard dates back to Fort Nisqually and contains heritage fruit varieties grown here during that time. These trees are very old and their future has not been secured. Reducing the water table could kill these sensitive trees.

CalPortland's assertion that the Sequalichew Creek restoration will mitigate the impact to the local wetlands by restoring (admittedly higher temperature) flows to the creek is predicated on them accomplishing the restoration at all. CalPortland has made no measurable progress with this restoration project that is still part of a previous agreement in nearly two decades. This restoration project is starting to feel like a stick dangled in front of an emaciated mule at this point. This is saying nothing of the fact that this project is carrying a lot of weight in this current proposal for something that shouldn't be considered as part of this proposal. Given that they have not accomplished the requirements laid out from the previous agreement, the discussion of this project is starting to feel like a bad faith negotiation.

This project is disastrous to wildlife and will permanently alter the landscape and the character of our community, not to mention further eroding trust in our local government to act in our best interest. Why is an outside company being given carte blanche to permanently destroy our home so that they can profit for an additional 14 years before leaving us with the bill. Put a stop to this NOW!

With Great Concern,

Kelly Unekis

**From:** Sean Valdez <savaldez0726@email.campbell.edu>
**Sent:** Saturday, June 28, 2025 7:09 AM
**To:** Barbara Kincaid
**Subject:** Oppose gravel site

📧 TO: bkincaid@dupontwa.gov
📋 SUBJECT: OPPOSE Pioneer Aggregates Mine Expansion - PLNG2021-006

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:

• 83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs

• Vashon Aquifer levels dropping 8+ feet permanently

• Multiple wetlands losing 1-3 feet of water forever

• Creek temperatures getting too hot for fish survival

• Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan "would likely NOT mitigate these impacts."

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

• Failure to properly identify tribal cultural resources

• Violation of tribal consultation requirements

• No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

• Violates city law (Comprehensive Plan AND Critical Area Ordinance)

• Requires fixing damage scientists say CANNOT be fixed?

• Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,

Dr. Sean Valdez
1412 Haskell Street Du Pont, Wa
360-632-4630
Sent from my iPhone

**From:** Kate Walsh <3mcwals@gmail.com>
**Sent:** Monday, June 23, 2025 1:47 PM
**To:** Barbara Kincaid
**Cc:** Judy Norris
**Subject:** Comments on Hearing Examiner extension.

Dear Hearing Examiner and Ms. Kincaid,

I attended the recent hearing on the Pioneer Aggregate mining company's Environmental Impact Statement and signed up to speak, but I had to leave for work at 12:15 pm and could not wait to speak. I am submitting these comments in addition to the letter I submitted before the June 20 hearing, that you acknowledged receiving Ms. Kincaid, and that I assume the Hearing Examiner also possesses. My additional comments are:

The mining company's impact statement must meet DuPont's Critical Ordinance requirements, particularly that under its environmental impact plan there will be no net loss of wetland and stream function. But the mining company acknowledged, under oath, that it could not testify there would be no net loss of wetland and stream function under its plan. Thus, the plan cannot meet the critical ordinance requirement and should be rejected.

Witnesses including the mining company's Mr. Wright, testified that dewatering the Vashon Aquifer could permanently, significantly lower and negatively change groundwater levels, diminish water flow of the creek and the springs that feed the creek and the forest marshland, and increase the water temperature of the creek and adjacent streams, thus destroying salmon habitat. In testimony, the mining company acknowledged that the impact of dewatering the Vashon aquifer and wetlands may significantly change and negatively affect wetland functions. And the company's witness stated under oath that he could not say that the EIS would mitigate all the negative impacts of the mining company's activity. This is not a finding of "no net effect," it is an admission of net effect. It does not meet the critical ordinance requirement.

The mining company plan includes cutting down 188 mature fir and forest trees, which are the habitat and source of food for hundreds of birds, mammals, and fish, and whose shade cools springs and streams. The mining company testified that it would mitigate the environmental harm of cutting down the trees by planting seedlings. But this is not persuasive. Seedlings are 2 to 20 inches high, and take 20 to 80 years to mature to 30 to 300 feet, depending on the tree species. 2 to 20 inch seedlings are not comparable to the mature trees the mining company is going to destroy here and seedlings cannot serve the same functions as mature trees, cooling streams and sustaining wildlife. And the mining company does not say it will remain in DuPont to water and grow the seedlings for 20-30 years, when they mature. Nor does it say who will provide/pay for the water for the seedlings/juvenile trees at a time of water shortage and increasing heat (as described by Christina Mineti, testifying for herself and the environmental group).

Finally the mining company asserts it is not destroying the forest marshlands, it is just moving them. But it relies in part on the errata sheet first revealed at the end of the June 20 hearing, in which the city, without notice, changed its assessment of the effect of the mine expansion on off site wetlands from

"significant" and "unavoidable damage" to "minor" damage. The city said it could not further comment on the no net loss. This raises questions about the validity and credibility of the city's "minor" assessment. Moreover there are no details on how the mining company is going to recreate a decades-old unique forest marsh environment. And as with the seedling mitigation for the 188 cut down trees, who will pay for, water, and tend the affected  Edward and Kettle  forest marshland environment for the years required to create a new marshland. It seems like another disingenuous "mitigation" that never will/could happen.

Thank you for providing additional comment time for those who attended the hearing and signed up to speak, but had to leave before comments were taken. And Ms. Kincaid if  you would please confirm the timely receipt of this comment and give it to the hearing examiner.

Sincerely

Kate Walsh
2180 Palisade Blvd.
DuPont WA 98327

**From:** Kate Walsh <3mcwals@gmail.com>
**Sent:** Monday, June 23, 2025 8:06 PM
**To:** Barbara Kincaid
**Cc:** Judy Norris
**Subject:** correction to 6/23 comment sent earlier today

Correction: I said the mining company's expert, Mr. Wright, when I meant the city's expert, Mr. Wright. This typo correction is within the three day period. Thank you for correcting the typo in my comment. Ms. Kincaid, please confirm receipt and addition to my earlier comment. Thanks!

**From:** Kate Walsh <3mcwals@gmail.com>
**Sent:** Monday, June 23, 2025 9:42 PM
**To:** Barbara Kincaid; Judy Norris
**Subject:** Re: correction to 6/23 comment sent earlier today

And do let me know if you have any further questions, Ms. Kincaid.
Again, thanks
Kate Walsh

On Mon, Jun 23, 2025 at 8:05 PM Kate Walsh <3mcwals@gmail.com> wrote:

> Correction: I said the mining company's expert, Mr. Wright, when I meant the city's expert, Mr. Wright. This typo correction is within the three day period. Thank you for correcting the typo in my comment. Ms. Kincaid, please confirm receipt and addition to my earlier comment. Thanks!

Ms. Kincaid.

I sent a comment on the mine expansion on Monday, the 23rd, w/in the three day period the Examiner allowed.

Later that day I realized there was a typo - I mistakenly said Mrs. Martin ~~worked~~ for the mining company, not the city.

So yesterday, Monday, the 23d I sent you a typo correction ~~regarding~~ Mr. Martin, correcting that he testified works for the city. And I sent you that correction in email, in the same email chain as the comment. I want to confirm that you received AND WILL MAKE PART of THE RECORD my original comment (6/23) AND the correction regarding Mr. Martin (also 6/23). Nothing else in the comment has changed - just the correction. I especially do want to know that you

are making the June 23 comment correction & the June 23 ~~Correction~~ part of the record for the Hearing Examiner. I emailed 2x, & want to confirm that the comment & correction are accepted b/c the 3-day period expired. Thanks for letting me know that.

Kate Walsh
280 Palisade Blvd
DuPont
6/24

RECEIVED
JUN 24 2025
CITY OF DUPONT

**From:** Kate Walsh <3mcwals@gmail.com>
**Sent:** Thursday, June 26, 2025 1:23 PM
**To:** Barbara Kincaid
**Subject:** follow up on comment re mining expansion and correction

Hi Barb,

Just now, June 26, I called your listed work phone number and left a vm:

Did you get my June 23 comment re: the mining expansion? Did you get the single correction stating who employs Mr. Miller, submitted by email June 23rd and also submitted in writing and stamped received, at city hall on June 24? and have you included my comment with correction in the hearing record for the mining expansion matter, submitted w/in the time period the hearing examiner allowed?

Thanks for responding, Ms. Kincaid,

Kate Walsh
3mcwals@gmail.com

**From:** Linda Whipple <lbwhipple@gmail.com>
**Sent:** Friday, June 20, 2025 7:14 AM
**To:** Barbara Kincaid
**Subject:** Opposition to CalPortland Gravel Mine expansion

Dear Ms. Kincaid:

As a member of Tahoma Bird Alliance, South Sound Bird Alliance and Mountaineers, I am writing to express my strong opposition to expansion of the Pioneer Aggregates CalPortland Gravel Mine in Dupont.

Draining the Vashon Aquifer to gain access to the gravel beneath it is a terrible idea. This proposed action risks drying out Sequalitchew Creek and endangering birds, salmon, and other wildlife that rely on the riparian forest habitat the creek supports. Riparian forests rely on steady sources of groundwater, so draining this aquifer will lead to drastic habitat changes and tree die-off along the beloved Sequalitchew Creek Trail. In addition to endangering the forest, draining the Vashon Aquifer may destabilize slopes, exacerbating preexisting erosion risks, and mining in the area will disturb sacred Nisqually tribal burial sites.

The cumulative impacts of this project—environmental degradation, cultural desecration, and community harm—are unacceptable. The proposed mitigation measures are inadequate and fail to address the
long-term consequences of the mine's expansion. I strongly urge you to protect our water, forests, wildlife, and the cultural and environmental integrity of this cherished region by rejecting the expansion of the CalPortland Gravel Mine.

Thank you!

Linda Whipple
University Place, WA

**From:** Sean Arent <seanarent5@gmail.com>
**Sent:** Wednesday, June 25, 2025 8:57 AM
**To:** Barbara Kincaid
**Subject:** Letter (pdf) to hearing examiner re: gravel mine
**Attachments:** individual_letters_compiled.pdf

Hello Barb,

I am re-sending the individual letters we have compiled as a pdf, hopefully to make it easier on everyone. Please confirm that they have been received into the record.

If I do not receive confirmation by late afternoon today, I will feel I have no choice but to hand deliver all 706 letters to Dupont City Hall before the 5 pm deadline today.

Sincerely,
Sean Arent
Clover Creek Restoration Alliance
253-363-0843

# Letter from: Sean Arent

*Email: seanarent5@gmail.com*

*Address: 1680 S 45th st Tacoma WA*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98418-2419*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Diedre Conant

*Email: diedreconant@gmail.com*

*Address: 14615 9th Avenue Ct E*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98445*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Alicia Brewer

*Email: alicia.brewr@live.com*

*Address: 1470 McNeil Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Tim Macfarlane

*Email: timcmacfarlane@gmail.com*

*Address: 7707 94th Ave sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Loren Condon

*Email: lorencondon@gmail.com*

*Address: 3118 6 ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98406*

*Country: US*

Hearing Examiner,

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# Letter from: Claudia Riedener

*Email: ixiatile@gmail.com*

*Address: 1004 S Steele*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Christian Michelle

*Email: eatherheart@gmail.com*

*Address: 458 carpenter rd se #103*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98503*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Brel Froebe

*Email: admin@c4rf.org*

*Address: 2915 Cedarwood Avenue*

*City: BELLINGHAM*

*State/Province Abbreviated: WA*

*Zip code: 98225*

*Country: US*

Hearing Examiner,

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Riley Baxter

*Email: rileyb912@gmail.com*

*Address: 821 8th Ave NW*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98371*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Justina Schwartz

*Email: justina.scamporlina@gmail.com*

*Address: 3722 37th Ave SW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98126*

*Country: US*

Hearing Examiner,

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

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Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

Regards,

Justina

# Letter from: Kathleen  Uloth

*Email: shirleysandoval0331@gmail.com*

*Address: 10520 Creek St SE, E108*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Angelica Meza

*Email: a.meza@hotmail.com*

*Address: 761 Sage dr*

*City: Vacaville*

*State/Province Abbreviated: CA*

*Zip code: 95687*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: John Carlton

*Email: ixora@harbornet.com*

*Address: 1004 S. Steele*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Dear Hearing Examiner ,

As a deeply concerned citizen, I am writing to express my strong opposition to the proposed expansion of the Pioneer Aggregates South Parcel Project, as detailed in the Final Environmental Impact Statement (EIS). The findings in this report reveal extensive, irreversible harm to our environment, cultural heritage, and public health?harm that cannot be justified or adequately mitigated.

The EIS discloses that dewatering of the Vashon Aquifer could reduce groundwater levels by as much as 30 feet. This would cause up to a 79% reduction in the flow of Sequalitchew Creek, undermining decades of restoration work, eliminating critical salmon habitat, and threatening the long-term ecological health of the creek and its tributaries. Additionally, Edmond Marsh?a Class I wetland?would be virtually eliminated, alongside the destruction of more than 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These actions violate DuPont?s Critical Areas Ordinance and Growth Management policies, which clearly mandate no net loss of wetland and stream functions.

The mitigation measures proposed are both temporary and insufficient. This is not restoration?it is rationalization for environmental degradation.

Impacts to the Nisqually Tribe

Equally disturbing are the cultural ramifications. The Nisqually Tribe has voiced serious concerns regarding the potential desecration of sacred sites and ancestral burial grounds in the project area. Hereditary Chief Leonard Squally has emphasized that these lands have sustained and held cultural meaning for the Nisqually people since time immemorial. Archaeological evidence confirms Indigenous habitation in the region for at least 8,000 to 12,000 years. Disrupting these lands represents not only a loss of cultural heritage but a violation of Indigenous rights and dignity. These concerns are

not speculative?they are supported by formal testimony from the Tribe submitted to the City?s Hearing Examiner.

Threats to Groundwater and Drinking Water

Lowering the water table could also allow saltwater intrusion into freshwater aquifers?especially dangerous in a coastal region?threatening long-term access to clean water. Dewatering would impair natural recharge and filtration processes, degrading water quality and potentially harming private wells and community water systems.

A Blow to Salmon and Orca Recovery

The proposal severely compromises efforts to restore salmon populations in Sequalitchew Creek. Reduced groundwater flows and increased stream temperatures?projected to rise above 21°C in summer?are known to stress or kill salmon, especially during key spawning periods. This not only affects local salmon species such as coho and chum but also the endangered Southern Resident Orca, which relies on healthy salmon runs for survival.

Furthermore, the hydrologic changes would disrupt nearby wetlands?key juvenile rearing grounds for salmon?and diminish the ecological integrity of the Sequalitchew estuary just as planning efforts to reconnect and restore it are beginning. The so-called Sequalitchew Creek Restoration Plan, tied to the mining project, appears more a public relations maneuver than a science-based recovery strategy.

A Climate Catastrophe in the Making

The mine expansion would clear nearly 188 acres of forest and shrubland, eliminating vital carbon sinks and releasing stored CO?. While the EIS minimizes these emissions as a fraction of the state?s total, they are additive to the region?s growing climate burden. Prolonged mining operations?estimated to last an additional 14 years?mean persistent emissions from heavy machinery, transportation, and habitat destruction, further degrading air quality and exacerbating climate impacts.

Wildlife and Biodiversity Loss

The forest and wetland removal would fragment and degrade habitat for vulnerable species such as bats, birds, and the western gray squirrel, contributing to their decline and weakening the biodiversity that supports resilient ecosystems.

## A Threat to Community Health and Recreation

The Sequalitchew Creek Trail is a treasured community space, offering recreation, wildlife observation, and a connection to nature. The proximity of mining operations would erode this experience through increased noise, dust, and loss of natural beauty. The dewatering process also threatens to eliminate the cool groundwater seeps that sustain rare native plants, including the Chain Fern, and enrich the hillside ecosystem.

Increased levels of airborne particulate matter (PM?? and PM?.?) from mining activity pose a serious public health risk, particularly for vulnerable populations such as children, the elderly, and those with respiratory or cardiovascular conditions. Long-term exposure is associated with asthma, heart disease, and neurological disorders.

## Conclusion

In light of the overwhelming environmental, cultural, and public health risks, I urge the City of DuPont and all relevant authorities to reject the proposed mine expansion. There are better, more responsible paths forward?ones that protect our water, forests, and fish, honor Indigenous sovereignty, and preserve the natural spaces that make our community livable and resilient.

This is a pivotal moment. Please act decisively to uphold your commitments to environmental stewardship, cultural respect, and sustainable growth.

# Letter from: Chris Covert-Bowlds

*Email: c.covertbowlds@gmail.com*

*Address: 523 North 84th St*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98103*

*Country: US*

Hearing Examiner,

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# Letter from: Breck Lebegue

*Email: brecklebegue@gmail.com*

*Address: 70 Leschi Dr*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Greetings, Hearing Examiner, I'm Dr Breck Lebegue, retired public health physician, now Co-Chair of the Climate and Health Task Force of WA Physicians for Social Responsibility; and long-term resident of Steilacoom since retiring from JBLM Madigan Med Center. I speak in opposition to expansion of mining operations near Sequalitchew Creek, where I often go for quiet enjoyment of the sights and sounds of the natural environment. 3 points re health:

- Studies show that mining operations based on diesel fuel engines produce PM 2.5 particles that when breathed in, lodge in the lungs, enter the blood and cause lung & heart disease, cancer, even dementia; when accumulated over time. Every little bit hurts our health.
- WA is required by the Climate Commitment Act to decrease greenhouse gases to limit atmospheric warming. Rather than getter cooler, each year is hotter. Fuels make it worse.
- People require outdoor recreation in natural environments for mental health. Anxiety, depression, drug abuse & suicide are increasing. Quiet time in nature heals broken hearts.

For these reasons, I and WPSR urge you to deny the application to expand mining there.

Thank you for doing the right thing for the people of Pierce County and their descendants.

Breck Lebegue MD MPH

Co-Chair, Climate and Health Task Force

WA Physicians for Social Responsibility

brecklebegue@gmail.com

www.wpsr.org/climate

# Letter from: Pam Beal

*Email: pambeal@gmail.com*

*Address: 204 Contra Costa Ave*

*City: Fircrest*

*State/Province Abbreviated: WA*

*Zip code: 98466-7226*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Caitlyn Cecchetto

*Email: caitlyncecchetto@gmail.com*

*Address: 117 McElroy Place*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98371*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Amy Balazs

*Email: amy.balazs@gmail.com*

*Address: 245 St Helens Ave Apt 207*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98402*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Katie Hohnstein-Van Etten

*Email: kevanetten@gmail.com*

*Address: 1716 S Cushman Ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Monika Warner

*Email: monikawarner28@gmail.com*

*Address: 5521 175th Ave CT E*

*City: Lake Tapps*

*State/Province Abbreviated: WA*

*Zip code: 98391*

*Country: US*

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When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Jacquelyn Aiello

*Email: jacqui.aiello@gmail.com*

*Address: 3521 N. Proctor St.*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98407*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Kendal  Holzman

*Email: serenity1385@icloud.com*

*Address: 4004 S. 12th St, Apt. C*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Cynthia Arent

*Email: cyndisreleaf@comcast.net*

*Address: 191 E village view dr*

*City: Allyn*

*State/Province Abbreviated: WA*

*Zip code: 98524*

*Country: US*

Hearing Examiner,

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# Letter from: Phil Harty

*Email: philhartymusic@gmail.com*

*Address: 2029 S 7TH ST*

*City: TACOMA*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

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# Letter from: Malakay  Betor

*Email: malakay.list@gmail.com*

*Address: 1121 N Vassault Street*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98406*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Karen Konrad

*Email: karenkonrad@aol.com*

*Address: 2361 McDonald Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Denise Linden

*Email: indeegarden@comcast.net*

*Address: 11328 87th Ave Ct SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

There are many and varied critical reasons for you to not allow this project to move forward.

I wish I had time to research federal, state, local laws why this project needs to be stopped; I do not.

I just know that the environmental impact report, the injury to the Nisqually Tribe history and the harm to the 188 acres, the impact on aquifers, water in general, along with destroying wildlife and the human experience of the trail is enough to not allow this project.

Our country is so geared to monetary gains for corporations, without regard to any impacts on nature and humanity that it makes me sick at heart and it is wrong. The almighty dollar should not usurp what is right and just. This Earth, our home, is much more valuable than money!

Thank you

# Letter from: Mark Knight

*Email: scoter48@gmail.com*

*Address: 204 Contra Costa Avenue*

*City: Fircrest*

*State/Province Abbreviated: WA*

*Zip code: 98466*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kimberly Steiner

*Email: savjer@comcast.net*

*Address: 17145 Snowbell Ct*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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# Letter from: CRAIG CHAPMAN

*Email: cachapman034@gmail.com*

*Address: 1001 North Yakima Ave., Apartment 207*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98403*

*Country: US*

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An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Michelle Ryder

*Email: akkadia@gmail.com*

*Address: 6005 190th Ave E*

*City: Bonney Lake*

*State/Province Abbreviated: WA*

*Zip code: 98391*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Paul Sampson

*Email: pdsampson@comcast.net*

*Address: 8458 Tillicum Rd SW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98136-2417*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jeff Harrell

*Email: jeff@shallowpool.com*

*Address: 6743 2nd Ave NW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98117*

*Country: US*

Hearing Examiner,

Thank you for reading my letter. This expansion project has many profound, some irreversible impacts to local wildlife, the Nisqually Tribe, groundwater, and salmon and orca recovery. Our environment should not come at the expense of private profit.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing

Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Nancy Tom

*Email: bbbirdchick@gmail.com*

*Address: 3029 273rd Ave NE*

*City: Redmond*

*State/Province Abbreviated: WA*

*Zip code: 98053*

*Country: US*

Hearing Examiner,

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The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Kyle Leader

*Email: kchuckles11@yahoo.com*

*Address: 1707 Quince Street Northeast*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Katherine Steele

*Email: ssandks@comcast.net*

*Address: 1620 E MASON LAKE DR S*

*City: GRAPEVIEW*

*State/Province Abbreviated: WA*

*Zip code: 98546*

*Country: US*

Hearing Examiner,

My elderly father lives in Edmonds and I visit several times each month. One of my joys is walking and birding at the Edmonds Marsh trail. This small bit of remaining estuary protects many birds and species of birds. The trail always has other walkers enjoying the natural beauty so close a busy commercial and residential district., It would be a shame to approve any project that negatively impacts this habitat.

I join in the paragraphs below

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which

serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation

means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Alexandra Mariani

*Email: xandrabryn@gmail.com*

*Address: 4607 Woodlawn Ave N*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98103*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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A Climate Catastrophe

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# Letter from: Emily Duewiger

*Email: eduewiger@gmail.com*

*Address: 4710 Evanston Ave N.*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98103*

*Country: US*

Hearing Examiner,

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# Letter from: Daniel Zizza

*Email: acutherapeutics@gmail.com*

*Address: 7727 9th Ave NW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98117*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Steven Dammer

*Email: steven_dammer@alumni.baylor.edu*

*Address: 9515 25th Ave NW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98117*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Hannah Zizza

*Email: hannahzizza@gmail.com*

*Address: 1514 Bellevue Ave*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98122*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Chris Barnes

*Email: chrisbarnes5000@gmail.com*

*Address: 311 Barksdale Ave*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Paul Croft

*Email: raulcool2@gmail.com*

*Address: 117 McElroy Place*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98371*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Sally  Boyle

*Email: boylesally@aol.com*

*Address: 817 Lafayette St S*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98444*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Stephen Elston

*Email: stephen.elston@gmail.com*

*Address: 7031 2nd Ave NW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98117*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Krystal Miller

*Email: krystalannmiller@gmail.com*

*Address: 7706 32nd Ave SW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98126*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Eric Edwards

*Email: eeguinness@hotmail.com*

*Address: 1373 Prairie Ct.*

*City: West Chicago*

*State/Province Abbreviated: IL*

*Zip code: 60185*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Ellen Blackstone

*Email: ellenblackstone@gmail.com*

*Address: 523 Maple St #101*

*City: Edmonds*

*State/Province Abbreviated: WA*

*Zip code: 98020*

*Country: US*

Hearing Examiner,

We should be doing everything we can to protect the endangered Southern Resident Orcas. Instead, the mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek and adversely affecting salmon habitats. And salmon are the preferred diet of the Orcas. Please consider the environment first!

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assault on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning beginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: rose duran

*Email: clawsonorama@gmail.com*

*Address: 1201 95th Street East*

*City: TACOMA*

*State/Province Abbreviated: WA*

*Zip code: 98445*

*Country: US*

Hearing Examiner,

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Caleb Knox

*Email: calebknox@gmail.com*

*Address: 16408 92nd Ave. E*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98375*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Alice Knox

*Email: alicelknox@gmail.com*

*Address: 16408 92nd Ave E*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98375*

*Country: US*

Hearing Examiner,

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# Letter from: Rebecca Dodge

*Email: rebeak89@hotmail.com*

*Address: 12245 12th Ave S*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98168*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Simone Amadee

*Email: simone45@comcast.net*

*Address: 3183 Brown Loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Molly Kent

*Email: kent.molly@gmail.com*

*Address: 8465 SE 83rd St.*

*City: Mercer Island*

*State/Province Abbreviated: WA*

*Zip code: 98040*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Bill Hubbard

*Email: hubbard@live.com*

*Address: 306 108th ave se*

*City: Bellevue*

*State/Province Abbreviated: WA*

*Zip code: 98004*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Michael Dunn

*Email: dunn.levey@gmail.com*

*Address: 190 Harbor Square Loop NE, Unit C129*

*City: Bainbridge Island*

*State/Province Abbreviated: WA*

*Zip code: 98110*

*Country: US*

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dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Samantha Alexander-Ice

*Email: sam.jo.alexander@gmail.com*

*Address: 2317 SE Meadowlark Dr*

*City: Hillsboro*

*State/Province Abbreviated: OR*

*Zip code: 97123*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Kurtis Messingale

*Email: kmessingale@gmail.com*

*Address: 1207 Beach Dr E*

*City: Port Orchard*

*State/Province Abbreviated: WA*

*Zip code: 98366*

*Country: US*

Hearing Examiner,

Please see below the reasons I highly disagree with the expansion of the gravel pit. In my opinion it is just not worth the irreversible impact on these vulnerable ecosystems that are slowly vanishing to expand a non essential business in the area.

The location of this mine is too special ecologically to warrant any expansion. I am always in favor of balance. Industrial expansion makes sense in some places and this is not one of them. I work for the railroad so I?m down on the waterfront often where the Sequalitchew and all the small streams and creeks run into the sound. It is a wild area. There are many species still doing well in that area and this expansion will threaten all of that. I see regularly, Bald Eagles, Osprey, Harbor Seal, Harbor Porpoise, Mink, Double Crested Cormorant, Common Loon as well well as many others that thrive eating fish in the brackish freshwater runoffs into the sound. All of this while the mine hums along. A balance that is working, for now. But messing around with this ecosystem could extinguish one of the last undeveloped wild pockets between Nisqually and Point Defiance.

The reason our place in the world is so special is because of the natural wonder and wildness and the proximity of that wildness to our cities. Chipping away at these areas will impact the ecosystem in a way that extinguishes that biodiversity. The gravel pit may provide a few jobs and revenue may go up eventually but there is gravel everywhere. To justify ruining a rare ecosystem to produce a common commodity is absolutely not worth it for 99.9% of people wanting to live around or visit the south sound area.

Thank you for considering my position, as an appreciator of nature as well as an advocate for ethical business expansion, which unfortunately this is not.

Kurtis Messingale

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Patrick Casados

*Email: patrickcasados@gmail.com*

*Address: 3319 S M*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98418*

*Country: US*

Hearing Examiner,

Honestly. Environmental losses cannot be regained within our lifetimes. There are no economic gains that would justify the destruction of this land.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Thanks. Patrick casados

# Letter from: Sherrie Morts

*Email: chefsher@msn.com*

*Address: 9939 244th PL NE*

*City: Redmond*

*State/Province Abbreviated: WA*

*Zip code: 98053*

*Country: US*

Hearing Examiner,

STOP DEWATERING NOW!

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues,

increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like

asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Nancy Tom

*Email: bbbirdchick@gmail.com*

*Address: 3029 273rd Ave NE*

*City: Redmond*

*State/Province Abbreviated: WA*

*Zip code: 98053*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Maria Rubatino

*Email: rainbow.rubatino@gmail.com*

*Address: 3614 Northshore Blvd Ne*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98422*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Areatha White

*Email: areatha.w@gmail.com*

*Address: 8037 Fawcett Ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98408*

*Country: US*

Hearing Examiner,

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# Letter from: Whitney Neufeld-Kaiser

*Email: whitney.n.k@gmail.com*

*Address: 6540 31st Ave NE*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98115*

*Country: US*

Hearing Examiner,

Below is the letter that has been suggested I send to you regarding this proposal. I will preface it by saying that it is astonishing to me that, given all that people have learned about climate change, about the importance of the natural environment to our mental health, about the decimation of bird and insect populations in the last 30 years, about the destruction of salmon runs and the detrimental impact on the orca population....all that we've learned about ways to co-exist with other living creatures, to come up with alternatives to raping the land....how can proposals like this even see the light of day?

This proposal is going to extend the life of this gravel mine by FOURTEEN YEARS. Not 50, not 100, not 200. Just FOURTEEN. Are you kidding me? Pioneer Aggregates proposes to obliterate 180 acres of forest, dry up multiple marshes and the water source for Sequalitchew Creek....destruction that would take at least decades to recover from, and which can't actually be "mitigated"....all for FOURTEEN more years?

This is appalling, and I hope the City of Dupont advocates and comes down in favor of the people who live in Dupont and cherish the natural areas of Sequalitchew Creek trail, who are working to see salmon return to the creek and for orca to thrive in Puget Sound.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This

degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an affront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Dennis Paulson

*Email: dennispaulson@comcast.net*

*Address: 1724 NE 98 St.*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98115*

*Country: US*

Hearing Examiner,

I think you know as well as I do that this project will lower the groundwater level and have disastrous consequences to local wetlands. Wetlands are well known as among the most productive habitats for wildlife of all kind. Of course, water is one of the basic elements of life on this planet, and as such it is always necessary for that life. We have eliminated too many wetlands, and global climate change, in particular drought in our region right now, is speeding up the process.

Please pay attention to the EIS and put a halt to any aspect of this project that will harm our wetlands. We can't afford to lose any more of them.

I am an ornithologist, entomologist and ecologist who has studied shorebirds, dragonflies and other wetland animals for my entire adult life.

Dr. Dennis Paulson, Director Emeritus

Puget Sound Museum of Natural History

University of Puget Sound

Tacoma, WA 98416

# Letter from: Pamela Ng

*Email: roundceiling65@gmail.com*

*Address: 9732 14th Avenue Northwest*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98117*

*Country: US*

Hearing Examiner,

Water is Life! Thank you for reading all these emails.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is

closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues,

increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like

asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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Water Is Life!

# Letter from: Christina  Paulsen

*Email: christina.uw@hotmail.com*

*Address: 6864 Sonia Street*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98404*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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THE PEOPLE DEMAND THAT YOU DO THE RIGHT THING!

# Letter from: Eric Herde

*Email: ericherde@gmail.com*

*Address: 5438 S Park Ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98408*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Hunter Henderson

*Email: grifoth134@hotmail.com*

*Address: 610 S Steele St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

Don't be a dumbass like the guy in Tacoma.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Katrina Megrath

*Email: katrinamegrath@gmail.com*

*Address: 24020 46th Ave E*

*City: Spanaway*

*State/Province Abbreviated: WA*

*Zip code: 98387*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Anthony Amadee

*Email: amadee57@comcast.net*

*Address: 3183 Brown Loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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dependency on the gravel mine.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: Shawn C Hill

*Email: ht8906@msn.com*

*Address: 8906 Lawndale Ave SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: john russell

*Email: jvrussell85@gmail.com*

*Address: 116 Fairview Ave N*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98109*

*Country: US*

Hearing Examiner, The consequences of expanding the Pioneer Aggregates South Parcel Mine are so egregious that I can't imagine this being approved; if it were, I can't imagine it surviving court challenges.

John Russell

Seattle

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Margaret Moore

*Email: mooremar91@gmail.com*

*Address: 8836 S G St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98444*

*Country: US*

Hearing Examiner,

As a lifelong Tacoma resident, I love my community, and it breaks my heart to see such a damaging proposal even being considered. We need to take serious action to protect our environment, because there?s no replacing it, and fixing it after the damage is done costs us way more than preventing the damage in the first place.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Janeen Provazek

*Email: provaj@hotmail.com*

*Address: 1117 N 7th St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98403*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Peg Reily

*Email: pegreily@gmail.com*

*Address: 405 White Point Rd*

*City: Friday Harbor*

*State/Province Abbreviated: WA*

*Zip code: 98250*

*Country: US*

Hearing Examiner,

How is it possible to ignore the following information?

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely

restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

Thank you for your consideration of all the impacts that would result from Pioneer Aggregates South Parcel Mine Expansion Project,

Peg Reily

# Letter from: Martha Hyde

*Email: marthalhyde@gmail.com*

*Address: 4207 Woodlawn Ave N*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98103*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

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# Letter from: Esp Megan

*Email: spirit18@comcast.net*

*Address: 15707 92nd ave CT e*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98375*

*Country: US*

Hearing Examiner,

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The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: James Martin

*Email: martin7624@msn.com*

*Address: 3060 McAllister Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

I can't believe this is even on the table.  You know that it's probably going to have devastating effects that we aren't expecting.  Please stop letting greedy corporations fleece our town. They'll leave and we'll be left in a dumpy waterless polluted city.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing

Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Mikayla Heineck

*Email: mikayla.heineck@gmail.com*

*Address: 754 102nd street*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98444*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

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Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Robert Harville

*Email: rob@teddydog.org*

*Address: 3069 Hoffman Hill blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

This plan is not consistent with Dupont community standards or lifestyle. As the impact statement says, it will diminish the quality of life and property values for all people of Dupont. Please reject this plan.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable

sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Grace Corrales

*Email: gcorrales.pcd@gmail.com*

*Address: 4020 224TH ST E*

*City: Spanaway*

*State/Province Abbreviated: WA*

*Zip code: 98387*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Jennifer Martin

*Email: jennymartin75@comcast.net*

*Address: 3060 Mcallister St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Julie  Collison

*Email: Juliecollison@comcast.net*

*Address: 303 121st St S*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98444*

*Country: US*

Hearing Examiner,

We must not allow the Mine to expand and threaten our groundwater!

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning beginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: James Ford

*Email: jmford731@gmail.com*

*Address: 3439 Peterson Street*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Nicolas Tamayo leon

*Email: nicktamayo98@gmail.com*

*Address: 3148 shaw st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Nichokette Bleignier

*Email: nightravenpw@yahoo.com*

*Address: 2616 ARNOLD ST*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Michele Winn

*Email: mb.winn@hotmail.com*

*Address: 1927 Hammond Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jacinda  Luna

*Email: lulucinda312@gmail.com*

*Address: 3156 walker rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Justice  Armenta

*Email: juusticearmenta@gmail.com*

*Address: 3148 Shaw st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Emilie Young

*Email: levvyoun@gmail.com*

*Address: 1786 Kennedy Pl*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Armando Garza

*Email: armando.garza20@gmail.com*

*Address: 1207 Goodview Ave*

*City: Fayetteville*

*State/Province Abbreviated: NC*

*Zip code: 28305*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: Toni Deck

*Email: armentatoe@yahoo.com*

*Address: 14104 6th Ave E*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98445*

*Country: US*

Hearing Examiner,

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Sonia Garza

*Email: soniargarza@gmail.com*

*Address: 3082 McAllister street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

I am a military spouse and we have called DuPont home for the last 10 years. As an active duty family, we have lived in many cities but none has been home the way DuPont is. This is mainly due to our natural beauty that we have right in our own backyard. The sequalitchew trail has been a frequent trail to us and I?d say we?ve traveled the trail to the sound hundreds upon hundreds of time. We have explored the trail with the Boy Scouts, cleaned the trail numerous times, done night hikes, taken family and friends for the first time, and with my work in nonprofit work to help military families feel more comfortable in their new duty station.

Taking any part of the trail or surrounding water ways and trees is a travesty. I feel sorry for our future generations and my children?s children of instead of taking the same steps they did as children, they are seeing a gravel pit in its place.

How can anyone be okay with this? And for what? For the almighty dollar. It?s shameful and I could not live with myself if I did not share how much this trail has meant for my military family.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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# Letter from: Darcie Cruz

*Email: darcie.cruz0909@gmail.com*

*Address: 1733 Jensen Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Steven Graham

*Email: cptstevengraham@hotmail.com*

*Address: 3167 Brown Loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Jessie Ward

*Email: mpjessie2002@yahoo.com*

*Address: 2312 Clark Rd*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

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# Letter from: Jerry Smith

*Email: jwpsmith@live.com*

*Address: 1196 Harrington Place*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Stefanie Watson

*Email: stefaniewatson@mac.com*

*Address: 424 Galloway Street*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Beatriz Garza

*Email: bgarza2704@gmail.com*

*Address: 31 Grassmarket*

*City: San Antonio*

*State/Province Abbreviated: TX*

*Zip code: 78259*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Megan easton

*Email: meganjrankin@gmail.com*

*Address: 1214 Rainier St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Karen Antonowicz

*Email: katenballard32@gmail.com*

*Address: 1821 Fisher Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Melissa  Cross

*Email: mpurdee135@gmail.com*

*Address: 209 Meade Ave*

*City: Ft Leavnwrth*

*State/Province Abbreviated: KS*

*Zip code: 66027*

*Country: US*

Hearing Examiner,

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# Letter from: Colleen Farstad

*Email: fcfarstad@yahoo.com*

*Address: 18620 190th St Sw*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Calvin Read

*Email: tootsiepopowl13@hotmail.com*

*Address: 3009 S Durango St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98409*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupt salmon habitat and undermine decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

There are several overwhelming reasons to reject this proposal listed below. Know that to approve this would devastate human, plant, and animal quality of life irreparably.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable

sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately

more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning beginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental

disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: dorris huth

*Email: dorrisjean@gmail.com*

*Address: 3054 SHANNON ST*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kathy Pettibon

*Email: Pettibonk@gmail.come*

*Address: 1442 Heath Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: HEATHER ECKSTEIN

*Email: heather.eckstein@midwifery.edu*

*Address: 1282 Burnside Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Renee Hardy

*Email: novasmom14@yahoo.com*

*Address: 1436 Packwood Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Tom Galdabini

*Email: tgaldabini@comcast.net*

*Address: 129 Candlewyck Dr W*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

Hearing Examiner,

As a resident of nearby Lakewood and a recreational hiker, as one who appreciates nature, I am alarmed at the potential damage to Seqalitchew Creek and it surrounding environment. The City of Dupont must do all that it can to protect this important natural resource within its boundaries. the gravel mine expansion does little for the city, while seriously degrading its environmental values. Please do not let this happen.

# Letter from: Lea McCormick

*Email: lea_mccormick@hotmail.com*

*Address: 2080 McDonald Ave*

*City: DuPont*

*State/Province Abbreviated: nan*

*Zip code: WA*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. This is unacceptable. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Krista  Novak

*Email: kristamnovak@yahoo.com*

*Address: 1449 Kittson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Mesha Albone

*Email: meshareading@gmail.com*

*Address: 1660 Sequalitchew Dr F304*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Ashley Taylor

*Email: ashleymtaylor2488@gmail.com*

*Address: 5744 N 12th St*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Alicia Salazar

*Email: wordsworthwriting2014@gmail.com*

*Address: 1824 Johnson Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Nancy  Taylor

*Email: Mybluedog72@msn.com*

*Address: 37 Silver Beach Dr*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Coby Tamayo

*Email: coby@tamayo.email*

*Address: 1515 S 59th St*

*City: Tacoma, WA*

*State/Province Abbreviated: WA*

*Zip code: 98408*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Mariah Mcdonald

*Email: mariahemcdonald@yahoo.com*

*Address: 6246 skinner rd*

*City: Granite falls*

*State/Province Abbreviated: WA*

*Zip code: 98252*

*Country: US*

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Tucker Racheal

*Email: rmtucker9@gmail.com*

*Address: 1710 Brown Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: Ron Leota

*Email: leotarf@gmail.com*

*Address: 10413 SE 232nd St*

*City: Kent*

*State/Province Abbreviated: WA*

*Zip code: 98031*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Meredyth Colotti

*Email: mcolotti7@gmail.com*

*Address: 1643 Burnside Place*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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*Email: acolotti6@gmail.com*

*Address: 1820 hoffman hill blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Diane Wilkinson

*Email: dwilk@gmail.com*

*Address: 1870 hoffman hill blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

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Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Rachael Duncan

*Email: rachael.lowen@gmail.com*

*Address: 17913 17th Ave Ct E*

*City: Spanaway*

*State/Province Abbreviated: WA*

*Zip code: 98387*

*Country: US*

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Bruce Morse

*Email: bruce_morse@msn.com*

*Address: 14708 Sherman Dr. NW*

*City: Gig Harbor*

*State/Province Abbreviated: WA*

*Zip code: 98332*

*Country: US*

Dear Hearing Examiner,

On behalf of the Tahoma Bird Alliance, we are writing to voice our strong opposition to the proposed expansion of the CalPortland Gravel Mine. This project presents numerous and alarming threats to the environment, cultural heritage, and community well-being. The points below highlight the most critical concerns, which we urge you to consider in your review process.

Environmental Destruction

The Final Environmental Impact Statement (EIS) reveals catastrophic potential outcomes:

? Threat to Sequalitchew Creek: Dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, resulting in up to 79% loss of the creek's flow. This disruption jeopardizes decades of restoration efforts and salmon habitats.

? Loss of Wetlands and Forests: The expansion threatens Edmond Marsh, a Class I wetland, 170+ acres of forest, and landmark trees. These losses violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions.

Cultural Desecration

The proposed mining activities risk disturbing ancestral graves and sacred sites of the Nisqually Tribe. Hereditary Chief Leonard Squally and the Tribe have raised urgent concerns about protecting this land, which holds immense historical and cultural significance. Allowing such desecration is unconscionable and perpetuates irreversible cultural harm.

Groundwater and Climate Concerns

The project's dewatering activities threaten to salinate the Vashon Aquifer, degrade nearby wetlands, and reduce the natural recharge capacity that protects water quality. Furthermore, clearing 188 acres of forest will not only release stored carbon but also reduce future carbon sequestration, exacerbating climate change.

Threat to Salmon and Orca Recovery

By diminishing Sequalitchew Creek's flow, increasing temperatures, and degrading wetlands, this project directly undermines efforts to rebuild salmon populations. These fish are crucial to the food chain, supporting the endangered Southern Resident Orca. The proposed Sequalitchew Creek Restoration Plan cannot offset the long-term damage caused by the mine.

Impacts on Community and Recreation

The expansion jeopardizes the Sequalitchew Creek Trail, a valued community asset. Noise, air pollution, and habitat loss will degrade the trail's natural ambiance, affecting wildlife observation and recreational enjoyment. Increased particulate matter from mining activities poses serious health risks, particularly for vulnerable populations, and the prolonged operational timeline further amplifies these issues.

Conclusion

The cumulative impacts of this project?environmental degradation, cultural desecration, and community harm?are unacceptable. The proposed mitigation measures are inadequate and fail to address the long-term consequences of the mine's expansion.

On behalf of the Tahoma Bird Alliance, we strongly urge you to reject the expansion of the CalPortland Gravel Mine to protect our water, forests, wildlife, and the cultural and environmental integrity of this cherished region.

Sincerely,

Bruce Morse, Ph.D. Stuart Earley

VP Board of Director Executive Director

Chair Conservation Committee searley@tahomabirdalliance.org

Bruce_Morse@msn.com

Tahoma Bird Alliance

Mailing Address: P.O. Box 64068 ? University Place, WA 98464-0068

Located at Adriana Hess Wetland Park: 2917 Morrison Road W ? University Place, WA 98466

www.TahomaBirdAlliance.org ? 253-565-9278

# Letter from: Rhonda Ogilvie

*Email: rhondaogilvie@gmail.com*

*Address: 1546 Packwood Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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A Climate Catastrophe

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# Letter from: Rhonda Suzette Frederick

*Email: rsfred46@gmail.com*

*Address: 1148 Aldrich Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Lisa Miller

*Email: lisamarie330@gmail.com*

*Address: 1661 Palisade Boulevard*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Jasmine  Salas

*Email: salas.jasmine@yahoo.com*

*Address: 1323 foreman road*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Ian Freeman

*Email: ianfreeperson@gmail.com*

*Address: 1224 N I St, Apt 201*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98403*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Mary Hurlbert

*Email: maryhurlbert316@gmail.com*

*Address: 2165 Hammond Ave. 11A*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Kim Butler

*Email: kimbutler30@gmail.com*

*Address: 1149 Aldrich Place, Apt, suite, floor, etc.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Sharon Remagen

*Email: sremagen@comcast.net*

*Address: 18204 B ST East*

*City: Spanaway*

*State/Province Abbreviated: WA*

*Zip code: 98387-8355*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Katie Carson

*Email: katie@bittersco.com*

*Address: 16663 beavermarsh*

*City: Mount vernon*

*State/Province Abbreviated: WA*

*Zip code: 98273*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Courtney  Love

*Email: courtney@wearelec.org*

*Address: 1220 S 23rd St unit A*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

I want local forest and local water for my child and any children they have. We need decisions made for the future of people, not the short-term profits of industry.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable

sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Jonathan  Cooper

*Email: jcooper@fhcrc.org*

*Address: 3714 E Columbia St*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98122*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Alexander Tagomata

*Email: atagomata03@gmail.com*

*Address: 3149 Sheaser Way*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: MARCELLA Velazquez

*Email: bymarcella2@gmail.com*

*Address: 1320 Rowan Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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*Email: bigpapi.jsv@gmail.com*

*Address: 1320 Rowan Ct*

*City: Dupont*

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# Letter from: Christine Connolly

*Email: cadaconnolly@hotmail.com*

*Address: 1305 Foreman Road*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: N LeBlanc

*Email: neve.leblanc@outlook.com*

*Address: 1305 Foreman Road*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Taya DeBock

*Email: taya.debock@gmail.com*

*Address: 1336 Sinclair Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Nathaniel Torres-Figueroa

*Email: SirTany2000@yahoo.com*

*Address: 1318 Foreman Rd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Carman Ambrose

*Email: carmanambrose@gmail.com*

*Address: 1849 McDonald Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Karen Avery

*Email: jkavery99@comcast.net*

*Address: 2964 Martin Place*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Lauren Campbell

*Email: laurencampbell692@gmail.com*

*Address: 1136 Ross Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Karen  Priem

*Email: kpriem11@aol.com*

*Address: 1149 Cosper St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Nancy Braxton

*Email: braxnan52@gmail.com*

*Address: 1156 Cosper Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Linda  Zara

*Email: lnzar@aol.com*

*Address: 1870 Spencer Ct*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

I oppose the development of the CalPortland Gravel mine Expansion in DuPont.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely

restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Anthony Braxton

*Email: abraxton6@gmail.com*

*Address: 1156 Cosper street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: Candice Frederick

*Email: bluebunny1979@live.com*

*Address: 506 Dupont Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Chrystal Volkova

*Email: chrystallvolkova@outlook.com*

*Address: 3171 Shaw St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Lacey Taylor

*Email: laceyph@hotmail.com*

*Address: 1537 Sinclair Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Michael Adarlo

*Email: mykey_adarlov@yahoo.com*

*Address: 3162 Brown Loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Shell Hallahan

*Email: shellcha@yahoo.com*

*Address: 603 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Cindy Taber-Lowry

*Email: cltlowry@gmail.com*

*Address: 2865 Hannen St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Nabila Gomed

*Email: nabilagomes2004@hotmail.com*

*Address: 1912 Braget Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98328*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Alicia Roubicek

*Email: aliciaroubicek21@gmail.com*

*Address: 1319 Foreman Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kristina Cisneros

*Email: kristie.m.cisneros@gmail.com*

*Address: 1391 Sinclair Drive*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327-9796*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Renee Fischer

*Email: mark.r.fischer44@gmail.com*

*Address: 807 Haskell Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Taylor Vance

*Email: taylor.vans@hotmail.com*

*Address: 709 Louviers Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Renee Fischer

*Email: mark.r.fischer44@gmail.com*

*Address: 807 Haskell Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

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The project's expansion would lead to both direct and indirect GHG emissions

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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*Email: jrnyfan11@msn.com*

*Address: 2664 Arnold St*

*City: Dupont*

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*Email: stephanie.harboe@gmail.com*

*Address: 3154 Walker Rd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Maria Teresa Correll

*Email: correllmt@gmail.com*

*Address: 1334 Foreman Rd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Alexys Cupper

*Email: jstagrl111@hotmail.com*

*Address: 1175 Griggs St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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This is devastating!

# Letter from: JT Thompson

*Email: jate1977@gmail.com*

*Address: Jate1977@gmail.com*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Meridith Morfin

*Email: meridithmorfin2@gmail.com*

*Address: 1906 Mcneil St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Wesley Wagner

*Email: wesleystevens1@yahoo.com*

*Address: 1175 Griggs St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Lizbeth Orozco

*Email: orozcolizbeth@hotmail.com*

*Address: 1352 Foreman Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

As a citizen of DuPont, I agree with the following statements below and ask to preserve our environment and prevent any damage to it.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable

sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately

more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

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The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Brittany Freeland

*Email: britt.free87@gmail.com*

*Address: 1405 Packwood Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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# Letter from: Amy Calahan

*Email: amybcalahan@gmail.com*

*Address: 1491 Sinclair*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Holly Mackey

*Email: knuj314@yahoo.com*

*Address: 2711 McNeil Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Sylvia Willis

*Email: willis76d@yahoo.com*

*Address: 1463 Packwood Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kaiya Shenkel

*Email: kwshenkel@msn.com*

*Address: 600 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

I have 4 generations of family that have used and still enjoy the beautiful sequalichew trail ? do not decimate it . Stop the mining already !

# Letter from: Yesenia Dugdale

*Email: yesenia.dugdale@gmail.com*

*Address: 1913 palisade blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Samantha Robertson

*Email: samantharobertson427@gmail.com*

*Address: 930 Ross Loop Apt D424*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Katie Marcus

*Email: katiebrady79@gmail.com*

*Address: 1163 Cosper St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Stanley Cruz

*Email: cruzstanley67@gmail.com*

*Address: 1733 , Jensen Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98337*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Katy Cordon

*Email: katymichelle2061@gmail.com*

*Address: 2172 Forrest pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Angela Ramos

*Email: angelaramos715@gmail.com*

*Address: 2985 McNeil St*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Dena Sharpe

*Email: denarn@comcast.net*

*Address: 18 Lapsley Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Lyndsey Stuart

*Email: lyndseycherise@gmail.com*

*Address: 1336 Foreman Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Michael Sharpe

*Email: mdsharpe65@comcast.net*

*Address: 18 Lapsley Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Haley Wratten

*Email: haley.wratten@gmail.com*

*Address: 1563 Sinclair Drive*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Lily Kostuch

*Email: lilykostuch@comcast.net*

*Address: 1327 Foreman Rd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Jesse Orozco

*Email: docorozco@gmail.com*

*Address: 1352 Foreman Road*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Julia Guggemos

*Email: theguggemos@gmail.com*

*Address: 2732 Arnold St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Nichole Ayres

*Email: nikkay08@yahoo.com*

*Address: 2238 Bobs Hollow Ln.*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: James Ciabal

*Email: jclarito11@yahoo.com*

*Address: 1214 Hudson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Kulleen Hess-Harvey

*Email: kulleenhess@hotmail.com*

*Address: 3081 Obrien St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Alyssa Woods

*Email: xalyssa.woodsx@outlook.com*

*Address: 307 brandywine ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Morgan Rutter

*Email: tes.morganrutter14@gmail.com*

*Address: 1766 Kennedy Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Patricia Hembree

*Email: phhembree@hotmail.com*

*Address: 1142 Harrington Pl*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Yvonne Levar

*Email: yvonnelevar@gmail.com*

*Address: 3166 Walker RD*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Erika Dennis

*Email: gedenn@aol.com*

*Address: 2892 Cox St*

*City: Dupont*

*State/Province Abbreviated: nan*

*Zip code: DuPont, WA 98327, USA*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Heather Muir

*Email: heather.e.muir@outlook.com*

*Address: 2680 Meyer St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Eric Sandberg

*Email: emsandberg@hotmail.com*

*Address: 1566 Jensen Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Linda Davis

*Email: stumpers01@comcast.net*

*Address: 608 DuPont Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98237*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: Heather Novak

*Email: novakgirls@gmail.com*

*Address: 2857 McNeil St*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Chris Harper

*Email: chrstphrhrpr@gmail.com*

*Address: 2481 Wallace St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327-7704*

*Country: US*

Hearing Examiner,

Please protect our beautiful natural environment.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Kim Santiago

*Email: kim.a.santiago@outlook.com*

*Address: 2083 Hammond Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Mark Booth

*Email: chipdude1951@yahoo.com*

*Address: 410 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Erica Kaiser

*Email: sweetpea2995@gmail.com*

*Address: 2508 Woods Dr Apt H*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jessica Ford

*Email: ford196@gmail.com*

*Address: 604 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kathy Pettibon

*Email: Pettibonk@gmail.come*

*Address: 1442 Heath Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: James Green

*Email: andy91g@gmail.com*

*Address: 1093 Hiton Cir*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: DeAna Baker

*Email: lularoedeanabaker@gmail.com*

*Address: 2664 Meyer St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Joseph Bigelow

*Email: beowulf1775@gmail.com*

*Address: 205 Brandywine Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: James Korkodilos

*Email: jameskorkx@gmail.com*

*Address: 3166 Hoffman Hill Blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Sandy Hill

*Email: sandy_h618@yahoo.com*

*Address: 3078 O?Brien st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Heidi  Lee

*Email: Heidillee@comcast.net*

*Address: 20 Lapsley Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Allison Allison Craig

*Email: atveit87@gmail.com*

*Address: 1413 Latham ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Christine  Shoup

*Email: shoup6@msn.com*

*Address: 1114 Harrington Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

Allowing this to go forward will destroy DuPont as we know it but even worse destroy the environment in DuPont- for eternity. Profit over potable drinking water, which is a finite resource on this planet, is the height of arrogance and stupidity.

# Letter from: Lauren Hernandez

*Email: hernandez3909@yahoo.com*

*Address: 2872 Martin St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Kyle Craig

*Email: craigkr6@gmail.com*

*Address: 1413 Latham ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Veronica  Smith

*Email: vtsmith25@msn.com*

*Address: 1947 Nelson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Katie Brown

*Email: katiebrown.bkm@gmail.com*

*Address: 407 Barksdale Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Andrea Burt

*Email: burta1321@gmail.com*

*Address: 948 Nw Ash St*

*City: Mcminnville*

*State/Province Abbreviated: OR*

*Zip code: 97128*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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# Letter from: Brittany  Ulrich

*Email: brittanyulrich85@gmail.com*

*Address: 3122 Walker Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Kazuko  Donahue

*Email: kazuko-donahue@comcast.net*

*Address: 1966*

*City: Hammond Ave*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kathy Preston

*Email: klprestonwa@gmail.com*

*Address: 1907 braget st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Daniel Correll

*Email: dcorr19@gmail.com*

*Address: 1334 Foreman Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Daniel Correll

1334 Foreman Road

DuPont Wa 98327

# Letter from: Monica Shellabarger

*Email: monica2279@msn.com*

*Address: 207 Brandywine Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Mikel Olsson

*Email: mikelolsson@gmail.com*

*Address: 1738 BROWN AVE*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Jana Jordan

*Email: lindner-jana@web.de*

*Address: 3412 Hoffman Hill Blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Brandon Jordan

*Email: brandon_jordan94@yahoo.com*

*Address: 3412 Hoffman Hill Blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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# Letter from: Kris Cummings

*Email: krisc1329@gmail.com*

*Address: 3057 OBrien Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Ruby Correa

*Email: rubycorrea43@gmail.com*

*Address: 1190 Swan Loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Yaleidy Torres

*Email: yale_rock97@yahoo.es*

*Address: 1318 Foreman Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: N LeBlanc

*Email: neve.leblanc@outlook.com*

*Address: 1305 Foreman Road*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Mike Roelofsen

*Email: mike.roelofsen@hotmail.com*

*Address: 3136 Shaw Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327-8763*

*Country: US*

Hearing Examiner,

Please preserve our Sequalichew Creek treasure!

For those who are intent on destroying this area, take a walk down the Sequalichew Creek trail to the Puget Sound. Listen to the birds and the trickling waters and smell the fresh forest smells as you work your way through this beautiful green fern filled forest, to where the Creek meets the Puget Sound.

There you will see a beautiful view of the water and the Olympic mountains, and you will feel like you are miles away from the city and you will begin to understand why many of us in DuPont love this area and oppose the gravel mine expansion. It?s not about opposing your business, it is about preserving the natural resources, the Nisqually tribe?s history, and the beauty of this area.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Michelle Cayetanobrandon

*Email: kuulei2000@hotmail.com*

*Address: 2046 Charles st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Joshua Salazar

*Email: Joshuaa.salazar6@gmail.com*

*Address: 1824 Johnson Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Alphonso  Brandon

*Email: mrbrandonsr@gmail.com*

*Address: 2046 Charles st*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Catherine DeBock

*Email: crdebock@yahoo.com*

*Address: 1336 Sinclair Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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# Letter from: Shelby Usher

*Email: shelby.elizabeth.v@hotmail.com*

*Address: 1635 Sequalitchew drive unit 104*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Mary Brown

*Email: dupont.bookworm@gmail.com*

*Address: 1480 Heath Court*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Kimo Brandon

*Email: kimobrandon2@gmail.com*

*Address: 2046 Charles st*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Chelsea Schoaff

*Email: crschoa@gmail.com*

*Address: 1833 Fisher Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Katelyn Nichols

*Email: kmnichols1220@gmail.com*

*Address: 1215 Burnside Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Gretchen Burkhart

*Email: gretchenannmonday@gmail.com*

*Address: 1500 Richmond Court*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Crystal Wyant

*Email: cvmontessori.dupont@gmail.com*

*Address: 401 Brandywine Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Gloria Ariosa

*Email: gloariosa@hotmail.com*

*Address: 2525 Arnold St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Laura Rosado

*Email: laurafaith@hotmail.com*

*Address: 1264 Cooper St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Dane Wagner

*Email: dane253@gmail.com*

*Address: 2180 Charles St Unit C*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Jessica Bailey

*Email: jessicabailey7511@gmail.com*

*Address: 1630 Sequalitchew Dr Appt C 102*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Diana  Buffington

*Email: RDianaBuffington@outlook.com*

*Address: 2702 McNeil St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Jessica Fester

*Email: jjfester@gmail.com*

*Address: 500 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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*Email: ebfolino@gmail.com*

*Address: 2106 BOBS HOLLOW LN*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Karah Novak

*Email: novakkarah@gmail.com*

*Address: 2857 McNeil St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: Elizabeth  Jellison

*Email: bjelly79@hotmail.com*

*Address: 2284 Wallace Loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Lynsey Strader

*Email: lynsey@lynseystrader.com*

*Address: 1127 BELL HILL PL*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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*Email: ben.strader@gmail.com*

*Address: 1127 BELL HILL PL*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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# Letter from: Alyssa White

*Email: lyssa.c.fellows@gmail.com*

*Address: 2943 hyland st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Jayden Alexander

*Email: tmjalexander@yahoo.com*

*Address: 1428 Burnside Pl*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Jessica Castellese

*Email: redecos8@gmail.com*

*Address: 1101 Southwest Pkwy. #508*

*City: College Station*

*State/Province Abbreviated: TX*

*Zip code: 77840*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Felita Luna

*Email: litalu12@gmail.com*

*Address: 3156 Walker Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Diane Fowler

*Email: dianemcabee@hotmail.com*

*Address: 11204 108th St Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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# Letter from: Breanna Holland

*Email: bre.holland214@gmail.com*

*Address: 94-1000 Pumaia Pl*

*City: Waipahu*

*State/Province Abbreviated: HI*

*Zip code: 96797*

*Country: US*

Hearing Examiner,

The following is a breakdown of all the negative impacts this choice would have on a large scale, but I'd first like to describe the impact it would have on me, as a military spouse.

Our first real duty station was JBLM. We moved off-post when we found out we were having our first baby and found DuPont to be everything we'd want in a hometown with it's great walkable design, plenty of playgrounds, a charming Town Center and even a scenic hiking trail down to the Sound. To hear, just days before that first baby turns 10, that her first hiking trail, because she did get to hike that trail as a sweet little toddler, is likely to be destroyed in the name of mining?? Frankly I'm disgusted it's even a discussion, but I'm also heartbroken to think that if we get the opportunity to move back or even visit, we wouldn't be able to share that with her or her younger sister. I know that other spouses over the decades have had similar experiences before and after me, and I hope that you can take that into consideration along with the very serious tangible impacts below;

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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# Letter from: Leslie Swalley

*Email: leslieswalley@yahoo.com*

*Address: 2064 McDonald Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

I oppose the gravel line expansion in DuPont.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues,

increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like

asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Adria  Renteria

*Email: adriavrenteria@gmail.com*

*Address: 1659 Duncan Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Erika Williams

*Email: erikana417@gmail.com*

*Address: 1732 Brown Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jennifer Calma

*Email: smlnjlotr21@yahoo.com*

*Address: 1473 Bobs Hollow Ln*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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# Letter from: Angela Ponticelli

*Email: angela.peterson615@gmail.com*

*Address: 1589 Grant Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Ashley  Skelton

*Email: thekrittersitter@yahoo.com*

*Address: 32 Madrona PL*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Sara Ruhl

*Email: birdsong03@gmail.com*

*Address: 1135 Harrington Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kelli Stewart

*Email: krstewart2209@gmail.com*

*Address: 1872 Palisade Blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Kayla White

*Email: Whitekaylarae@gmail.com*

*Address: 1710 Kennedy Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Kenzie  Lee

*Email: kenz.lee2016@gmail.com*

*Address: 1549 Sinclair Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Ryan Reid

*Email: ryanjreid@gmail.com*

*Address: 1356 Sinclair Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jaycie Rogers

*Email: rogersjaycie@yahoo.com*

*Address: 1872 PALISADE BLVD*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Teresa Kent

*Email: Teresakent1@gmail.com*

*Address: 2564 Arnold street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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# Letter from: Courtney Johnston

*Email: courtney.johnston.cj@gmail.com*

*Address: 2701 Arnold St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Gary Senior

*Email: seniorgar@yahoo.com*

*Address: 1252 Burnside Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Karilynn Wilson

*Email: karilynnw@hotmail.com*

*Address: 3436 Peterson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Katharina Galaz

*Email: katharinagalaz@hotmail.com*

*Address: 1208 Hudson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Katy Pine

*Email: dzbluesky253@gmail.com*

*Address: 6957 S Stevens St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98409*

*Country: US*

Hearing Examiner,

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# Letter from: Tracey Linna

*Email: traceyl7@yahoo.com*

*Address: 1572 JENSEN AVE*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Mara Prudente

*Email: maraprudente54@gmail.com*

*Address: 2143 Hammond Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Grace  Boarman

*Email: graceboarman@gmail.com*

*Address: 5526 Olympia way*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Glenn Broussard

*Email: glennbroussard1973@hotmail.com*

*Address: 1630 Sequalitchew dr apt 102*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Gwen Arias

*Email: gkat68@gmail.com*

*Address: 2434 Arnold St.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

Lastly, and got the record as well, irreversibly damaging pristine land in a beautiful town that is loved, used and appreciated by the people and wild life is both unthinkable and one of the worst harms humans can commit against nature and those who love it - it is an inhumane and monstrous act. We must all choose which we are in this life, monsters or men? which will you choose?

# Letter from: Trena Payton

*Email: trenapmail@gmail.com*

*Address: 1295 Bell Hill Place*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

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# Letter from: Chylynn Hansel

*Email: monkeygirl1969@gmail.com*

*Address: 51 Chapman Loop*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Morgan  Hill

*Email: morganmurwin03@gmail.com*

*Address: 8319 83rd Ave ct sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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# Letter from: Delilah Evans

*Email: delilahsl@yahoo.com*

*Address: 4957 Empress St*

*City: Gig Harbor*

*State/Province Abbreviated: WA*

*Zip code: 98332*

*Country: US*

Hearing Examiner,

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Jennifer Salisbury

*Email: salisburyjennifer22@gmail.com*

*Address: 1607 Harrison St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Elizabeth Shaver

*Email: shaver600@gmail.com*

*Address: 600 Dupont Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Heather Patterson

*Email: redheath99@yahoo.com*

*Address: 6032 Braywood Ln Se*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98513*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Victoria Schlagel

*Email: victoriaschlagel@gmail.com*

*Address: 6678 Sycamore Ln*

*City: LEWIS MCCHORD*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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# Letter from: Monica Hust

*Email: ottom505@gmail.com*

*Address: 6967 Birdseye Ave NE*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98516*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Carlee Ferrell

*Email: carlee.r.ferrell@gmail.com*

*Address: 5772 North 10th Street*

*City: Joint Base Lewis-McChord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

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# Letter from: Dave Chipchase

*Email: Chip113@hotmail.com*

*Address: 2748 Wallace St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Lin Wang

*Email: linyien@yahoo.com*

*Address: 2105 Charles St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Lyla Hallahan

*Email: lhallahan@students.steilacoom.k12.wa.us*

*Address: 603 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Emily Ishihara

*Email: emily.hunter.ishihara@gmail.com*

*Address: 9904 Greenleaf Loop SE*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Nichokette Bleignier

*Email: nightravenpw@yahoo.com*

*Address: 2616 ARNOLD ST*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Ronney Ferrell

*Email: ronney.k.ferrell@gmail.com*

*Address: 5465 Colorado Ave*

*City: Joint Base Lewis-McChord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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# Letter from: Johana Parra

*Email: ramirezparra707@gmail.com*

*Address: 21802 meadow cr*

*City: Fort Lee*

*State/Province Abbreviated: VA*

*Zip code: 23801*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Jasmine Dreisbach

*Email: janderson476@gmail.com*

*Address: 4313 Birch St. Sw unit A*

*City: McChord AFB*

*State/Province Abbreviated: WA*

*Zip code: 98439*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: Karli Ives

*Email: karlimercury@gmail.com*

*Address: 8530 Madison ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98344*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Gabrielle Howell

*Email: gabrielletraynor1@gmail.com*

*Address: 14349 100th Ave Se*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: rebeka mena

*Email: rebekamena919@gmail.com*

*Address: 5756 N 11th st*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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# Letter from: Cary Harlow

*Email: cebchar@gmail.com*

*Address: 2648 Arnold St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Robert Perkins

*Email: robertperkins927@gmail.com*

*Address: 7222A Garcia Blvd*

*City: Joint Base Lewis McChord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Gabrielle Howell

*Email: gabrielletraynor1@gmail.com*

*Address: 14349 100th Ave Se*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Katie Westover

*Email: kateniki13@yahoo.com*

*Address: 18008 Mounts Rd Sw*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Lauren Gevry

*Email: hultzmanl@gmail.com*

*Address: 2037 Evergreen Way Sw*

*City: Mcchord Afb*

*State/Province Abbreviated: WA*

*Zip code: 98439*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Stephanie Staley

*Email: staley89@yahoo.com*

*Address: 2933 Mcbride Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jessi Clifton

*Email: jessicole22@gmail.com*

*Address: 2410 Western Rd*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Sara Skelton

*Email: sassesara@gmail.com*

*Address: 1807 Hoffman Hill Boulevard*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Pamela Sims

*Email: pk_sims@yahoo.com*

*Address: 314 Marietta Place*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Christy Hartline

*Email: cdkrunner@gmail.com*

*Address: 2291 Palisade Blvd.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Sarah Brown

*Email: sarah.stege@gmail.com*

*Address: 1232 Burnside Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Monica Tolliver

*Email: babykyla05@gmail.com*

*Address: 1069 Hiton Cir*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Natalie Miranda

*Email: mirandanatalie132@yahoo.com*

*Address: 9233 Robin court*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Katherine Runn

*Email: kate.runn@hotmail.com*

*Address: 9216 117th st sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

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# Letter from: Garnet Parker

*Email: porphuropolis316@gmail.com*

*Address: 1600 Marshall Circle #337*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Nancy Platzer

*Email: nancyn.va@gmail.com*

*Address: 2503 b st*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Donna Laureta

*Email: dbersamira@yahoo.com*

*Address: 1866 Bobs hollow lane*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Sue Larsen

*Email: sue@nexthomesouthsound.com*

*Address: 1985 Ogden Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jana Ross

*Email: jana.ross@rocketmail.com*

*Address: 1169 Harrington Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327-9767*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Krista Strausbaugh

*Email: krista.woods@gmail.com*

*Address: 2312 Beech Ave*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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# Letter from: Chelsey Tschosik

*Email: chelseytschosik@outlook.com*

*Address: 10320 97TH ST SW*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Leah Tobin

*Email: leah.swed@gmail.com*

*Address: 11305 Holden Rd SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Kelly Mars

*Email: kelly_e_west@yahoo.com*

*Address: 10248 Sturgeon Ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Lynn Okita

*Email: lmonp13@gmail.com*

*Address: 1827 Miller Dr.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Andrea Stacey

*Email: a.c.prince47@gmail.com*

*Address: 11017 111th st*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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# Letter from: Jennifer Thornton

*Email: jenniferthornton@hotmail.com*

*Address: 2245 Bobs Hollow Ln*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Rhonda Logerman

*Email: rklogerman@gmail.com*

*Address: 3066 Mcallister St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Reggie Logerman

*Email: logermanr@gmail.com*

*Address: 3066 Mcallister St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Melody Sword

*Email: darsword@gmail.com*

*Address: 835 Blaine Street*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Branden Logerman

*Email: deadlink99@gmail.com*

*Address: 3066 Mcallister St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Bailey  Logerman

*Email: logermanb@gmail.com*

*Address: 3066 Mcallister St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Betty Wright-Rueda

*Email: knitonewhinetwo@gmail.com*

*Address: 1452 Edgar St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Amber Perusich

*Email: chazperusich@msn.com*

*Address: 3052 McAllister st*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Shayne Lundy

*Email: shaynelundy75@gmail.com*

*Address: 190 Kline Road*

*City: Wahiwa*

*State/Province Abbreviated: HI*

*Zip code: 96786*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Sophie Dyer

*Email: sed6298@gmail.com*

*Address: 2017 Evergreen Way*

*City: McChord AFB*

*State/Province Abbreviated: WA*

*Zip code: 98439*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Tiffany Silver

*Email: tiffanyeb87@yahoo.com*

*Address: 11001 107th St Sw*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Bobbie  Clark

*Email: jbclark9@gmail.com*

*Address: 2811 Martin street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Annette  Uncangco

*Email: auncangco@comcast.net*

*Address: 1603 Burnside Pl Unit A*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Pamela Foe

*Email: pfoe1959@gmail.com*

*Address: 2018 Martin Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Pamela Foe

*Email: jeffrey.foe@gmail.com*

*Address: 2018 Martin Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Amanda Melby

*Email: melby.amanda@gmail.com*

*Address: 105 Terrace Ave, Apt 3*

*City: Pismo Beach*

*State/Province Abbreviated: CA*

*Zip code: 93449*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Nathan  Wilkinson

*Email: natewilkinson2000@gmail.comn*

*Address: 1352 Hudson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Lisa Wilkinson

*Email: Lisachristinawilkinson@gmail.com*

*Address: 11415 Bald Hill Rd SE*

*City: YELM*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Katherine  Martin

*Email: katherinewelsh82@gmail.com*

*Address: 1112 Sequalish St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Melanie Anderson

*Email: melaniefanderson@gmail.com*

*Address: 2732 sutherland pl*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Erin Lynch

*Email: erintlynch@gmail.com*

*Address: 2380 Astoria Ct*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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# Letter from: Autumn Vernon

*Email: autumncvernon@gmail.com*

*Address: 2678 S 5th St*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Evan Hallahan

*Email: evanhallahan@yahoo.com*

*Address: 603 Louviers avenue*

*City: DuPont, Washington*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Jessica Moore

*Email: writersphantasm@gmail.com*

*Address: 1478 WILLSON AVE*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Em Lyons

*Email: eunmi_an@icloud.com*

*Address: 3086 mcallister street*

*City: dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Marsha Bradbury

*Email: demab1@comcast.net*

*Address: 1667 Duncan Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Robin Amstutz

*Email: robin_the_robot@yahoo.com*

*Address: 2881 Martin Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Stacey Swilley

*Email: swilleys@gmail.com*

*Address: 1259 Burnside Pl*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Phirith Nuon

*Email: aligp23@gmail.com*

*Address: 3041 O'Brien St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Philomina Bigelow

*Email: phvg2000@yahoo.com*

*Address: 205 Brandywine Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327-9009*

*Country: US*

Hearing Examiner,

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# Letter from: Sara Smith

*Email: mrs.saraannsmith10321@gmail.com*

*Address: 719 galloway st*

*City: Steliacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Gladys Yarber

*Email: gladysyarber1@yahoo.com*

*Address: 3041 O'Brien St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Phirith Nuon

*Email: aligp23@gmail.com*

*Address: 3041 O'Brien St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Elaine Allison

*Email: coronalime@aol.com*

*Address: 98 Lake Louise Dr Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Lindsay Meyer

*Email: meyer.lindsayk@gmail.com*

*Address: 1806 Starling st*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

I have three kids and a dog. We frequent this area and live nearby. Please reject this proposal.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like

asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Michelle  Matlock

*Email: mich.mich70@outlook.com*

*Address: 1307 Sinclair Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Jaimie  Garrett

*Email: doibugu@comcast.net*

*Address: 902 Union ave*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Laura Paylor

*Email: lmpayl@aol.com*

*Address: 11207 85th Ave E*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98373*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Brittany Gibbons

*Email: brittany.gibbons11@hotmail.com*

*Address: 2263 Bobs Hollow LN*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Stephanie Bishop

*Email: stephanie.bishop@ssamarine.com*

*Address: 1513 Bittner Ct*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Hannah Pye

*Email: frugallagurf@gmail.com*

*Address: 314 Montgomery St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388-1118*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Harry LaFevers

*Email: hlafevers@comcast.net*

*Address: 1861 MILLER DR*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Jill Irwin

*Email: j_irwin1228@hotmail.com*

*Address: 18205 5th Ave Ct E*

*City: Spanaway*

*State/Province Abbreviated: WA*

*Zip code: 98387*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Ashley Reubenking

*Email: and022510@gmail.com*

*Address: 10405 92nd St Ct SW*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jessica Wyant

*Email: jessica.wyant62@gmail.com*

*Address: 711 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Deborah Anderson

*Email: dja1950@hotmail.com*

*Address: 57 HEWITT DR*

*City: STEILACOOM*

*State/Province Abbreviated: WA*

*Zip code: 98388-1511*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Sara Juarez

*Email: sarajuarez44@gmail.com*

*Address: 1922 McNeil st*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Arina Crawford

*Email: MJPavlisk@gmail.com*

*Address: 4914 123rd St Sw Apt M7*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499-3643*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: April McNeil

*Email: aprilmcneil08@gmail.com*

*Address: 211 Brandywine Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Julie Erickson

*Email: sailgal24@gmail.com*

*Address: 1924 Jensen Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Marisa Francis Marisa Francis

*Email: marisafrancis99@gmail.com*

*Address: 2519 Cincinnati St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Matthew  Erickson

*Email: matterickson90@gmail.com*

*Address: 1924 Jensen Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Shawn Adkins

*Email: soldieradkins@gmail.com*

*Address: 6323 Bentley Rd E*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98371*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

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# Letter from: Tracie Sprague

*Email: tray_c03@yahoo.com*

*Address: 1490 Richmond Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Patti Bunnell Patti Bunnell

*Email: pattifayb@gmail.com*

*Address: 1512 McDonald Ave.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Felicity Castillo

*Email: castillofelicity@gmail.com*

*Address: 1326 Clover Loop Se*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98513*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Leticia Gomez

*Email: 1doratheexplorer@gmail.com*

*Address: 803 barksdale ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Alyssa Singian

*Email: alyssa.singian23@gmail.com*

*Address: 1482 Willson Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Ron Cummings

*Email: ronc1329@gmail.com*

*Address: 3057 obrien st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Martina Haynesworth

*Email: mbhaynesworth@gmail.com*

*Address: 3415 McDaniel st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Starla and David  Chase

*Email: davidlchase65@yahoo.com*

*Address: 2452 Tolmie Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Kathy Preston

*Email: klprestonwa@gmail.com*

*Address: 1907 braget st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Christy Stephenson

*Email: ncluvstravel@gmail.com*

*Address: nan*

*City: Eatonville*

*State/Province Abbreviated: WA*

*Zip code: 98328*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Natalie Ruffner

*Email: natalieruffner@yahoo.com*

*Address: 125 view road*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Karen Avery

*Email: jkavery99@comcast.net*

*Address: 2964 Martin Place*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Matthew Smith

*Email: matthew.smith.6126@icloud.com*

*Address: 8806 200 St Ct East*

*City: Spanaway*

*State/Province Abbreviated: WA*

*Zip code: 98387*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

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# Letter from: Janice Medina

*Email: janicedmedina19@gmail.com*

*Address: 2700 Arnold St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Michelle Smith

*Email: mattnshellsmith@yahoo.com*

*Address: 6127 Federal Oak Drive*

*City: Sunderland*

*State/Province Abbreviated: MD*

*Zip code: 20689*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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# Letter from: Shaniah Bowdish

*Email: sbowdish@yahoo.com*

*Address: 2865 Hannen St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Klaus Lowry

*Email: lowryka@yahoo.com*

*Address: 2865 Hannen St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Silke  Chipchase

*Email: chipchased@comcast.net*

*Address: 2748 Wallace Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Stephanie Philipps

*Email: stephaniephilipps@gmail.com*

*Address: 1871 Johnson Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Kelly Barron

*Email: barrons25@att.net*

*Address: 1822 Charles St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Kelly Barron

*Email: barrons25@att.net*

*Address: 1822 Charles St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Dennis Larkin

*Email: dennis.larkin31@gmail.com*

*Address: 1925 Garry Oaks Ave, Unit A*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Clarinda Marion

*Email: cj_marion@hotmail.com*

*Address: 1139 Bell Hill Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Nicole Vernacchia

*Email: nikkifenn98@gmail.com*

*Address: 4354a Birch St Sw Unit A*

*City: Mcchord Afb*

*State/Province Abbreviated: WA*

*Zip code: 98439*

*Country: US*

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# Letter from: Robbie Gale

*Email: trmcpgale@gmail.com*

*Address: 2805 Hannen St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Merri Natucci

*Email: merri.natucci@gmail.com*

*Address: 2129 Palisade Blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

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# Letter from: Sean Garcia

*Email: garcisa232@gmail.com*

*Address: 1689 Sinclair Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Maria Fernandez

*Email: maryf2504@gmail.com*

*Address: 5137 N 12th St*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Teri Crow

*Email: jase_teri@yahoo.com*

*Address: 3062 Shannon Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Kaleigh Kinsella

*Email: kaleighkinsella@yahoo.com*

*Address: 1660 Sequalitchew Dr*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Atticus Root

*Email: kinsella.root@gmail.com*

*Address: 1660 Sequalitchew Dr #204*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Hung  Ta

*Email: h.jimmy.ta@outlook.com*

*Address: 1332 Foreman Rd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Corbin Gibson

*Email: jpaleo35@gmail.com*

*Address: 10460 Chinook Ct., Unit B*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Shana Gibson

*Email: shanalynn8325@gmail.com*

*Address: 10460 Chinook Ct*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Caitlyn Fosberg

*Email: caitlyndwilliams@gmail.com*

*Address: 2856 Cox St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Suzanne  Mcintyre

*Email: suz.sullivan@gmail.com*

*Address: 10005 77th*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Kate Walsh

*Email: 3mcwals@gmail.com*

*Address: 2180 Palisade Blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Mark Booth

*Email: chipdude1951@yahoo.com*

*Address: 410 Louviers Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: laura bourbon

*Email: laurabourbonbeede@gmail.com*

*Address: 7609 39th Ave Se*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98503*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Dennis Taylor

*Email: remmingtonrider@gmail.com*

*Address: 1544 Sleater Kinney rd ne*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Chantell Aden

*Email: chantelladen@gmail.com*

*Address: 1466 Thompson St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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# Letter from: Emma  Wiegand

*Email: emmwie@gmail.com*

*Address: 408 Louviers Ave.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Mary Callahan

*Email: mary.blandford@gmail.com*

*Address: 1831 Miller Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Soojung Kim

*Email: soojung7k@yahoo.com*

*Address: 2055 Hammond Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Brandi Anderson

*Email: theandersons1110@yahoo.com*

*Address: 448 Browning Ave Nw*

*City: North Canton*

*State/Province Abbreviated: OH*

*Zip code: 44720*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Cynthia Gaines-Morgan

*Email: cynthia_gaineswi@yahoo.com*

*Address: 9065 Aster St Se*

*City: Tumwater*

*State/Province Abbreviated: WA*

*Zip code: 98501*

*Country: US*

Hearing Examiner,

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Joy Java

*Email: giraffes5gb@gmail.com*

*Address: 1436 Kincaid St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Abi Gehring

*Email: abi.gehring@gmail.com*

*Address: 9833 KENWOOD DR SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Ben van Beurden

*Email: bylenga14@gmail.com*

*Address: 1998 Charles St*

*City: Dupont*

*State/Province Abbreviated: nan*

*Zip code: 98327*

*Country: IT*

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# Letter from: Heidi Gin

*Email: heidigin@gmail.com*

*Address: 1839 Miller Drive*

*City: DuPont*

*State/Province Abbreviated: nan*

*Zip code: 98327*

*Country: KR*

Hearing Examiner,

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# Letter from: Doris  Mitcham

*Email: dorismitcham@hotmail.com*

*Address: 1406 Brackenridge Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Michelle Parent

*Email: michellejripp@gmail.com*

*Address: 7902 89th Ave Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's request is plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Rachael Androski

*Email: rachaelandroski@gmail.com*

*Address: 2085A Bob?s Hollow lane*

*City: DuPont, WA*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Mary Cargill

*Email: notarymary62@gmail.com*

*Address: 1218 s fife*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

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# Letter from: Rachel  Parks

*Email: rachel.parks34@gmail.com*

*Address: 6326 Lake Ave SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Chelsea Ayers

*Email: chelsea.ayers90@gmail.com*

*Address: 8812 Lenox Ave Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Natalie Hepting

*Email: nhepting84@gmail.com*

*Address: 1269 Bell Hill Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Tyler  Gehring

*Email: tyler.s.gehring@gmail.com*

*Address: 9833 Kenwood Drive Southwest,*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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# Letter from: Jacqueline  Fischer

*Email: violet.fischer@hotmail.com*

*Address: 807 Haskell Crt*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Christopher Williams

*Email: cmichaelwilliams1@gmail.com*

*Address: 2921 Mcbride Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: Caroline Fischer

*Email: esquisserdraws24@gmail.com*

*Address: 807 Haskell Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Morgan Hill

*Email: murwinmorgan@icloud.com*

*Address: 8319 83rd Avenue Ct Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Krystal Beadle

*Email: krys98@hotmail.com*

*Address: 8407 112th st sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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# Letter from: Jessica Reynolds

*Email: queenjrr10@gmail.com*

*Address: 6214 83RD ST SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Carla Cooper-Haamid

*Email: cmch2003@gmail.com*

*Address: 3080 Shannon Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Emily Salgren

*Email: emilysalgren@gmail.com*

*Address: 11404 105th ave sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Emmett Sanders

*Email: emmetts887@gmail.com*

*Address: 11404 105th ave sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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# Letter from: Olivia Sanders

*Email: decayed.flower@gmail.com*

*Address: 11402 105th ave sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Linda Noel

*Email: Linda.toledo1998@gmail.com*

*Address: 8569 chicago ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Krystal Johnson

*Email: kryssy26@hotmail.com*

*Address: 10317 110th St Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Linda Stevens

*Email: linms1010@comcast.net*

*Address: 36 Puget Drive*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Karen Lewis

*Email: cm4karen@comcast.net*

*Address: 908 Union Ave*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Carol McDowell

*Email: carol.2020@comcast.net*

*Address: 6326 E Pinchot Ave*

*City: Scottsdale*

*State/Province Abbreviated: AZ*

*Zip code: 85251*

*Country: US*

Hearing Examiner,

You are going to get a lot of these letters. Hopefully you?ll at least read some of them. There?s no reason you can?t stop this now. I return to the area often and this is my favorite place. ?? Don?t succumb to the dollar and loose your soul. It?s not just for today but for generations. No one needs a gravel pit. What you?re getting is shortsighted compared to what you?re giving away.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Cody Kidder

*Email: ckidder86@gmail.com*

*Address: 11117 Northstar Way Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Angel Gouker

*Email: angel.gouker.sanchez@gmail.com*

*Address: 2300 Shepard St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Kari Erickson

*Email: karierickson@centurylink.net*

*Address: 2734 Cambridge Dr*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Amy Boheman

*Email: amy41971@comcast.net*

*Address: 9716 Winona St Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Dale  Parsons

*Email: dcparsons1@comcast.net*

*Address: 9505 WAVERLY DR SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jessica Spearman

*Email: jessicaruthie@yahoo.com*

*Address: 3099 Mcallister St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Jenessa Snyder

*Email: jenessasnyder@gmail.com*

*Address: 10629 91st Ave Ct SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498-3786*

*Country: US*

Hearing Examiner,

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# Letter from: Eric Vance

*Email: eric_vance25@yahoo.com*

*Address: 1673 BURNSIDE PL*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Suzie Cordova

*Email: cougsooz@gmail.com*

*Address: 9838 American Ave SW Apt 2*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Marco Serrano

*Email: marcoaserrano99@gmail.com*

*Address: 78 Lake Louise Dr Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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Don?t ruin the beautiful town of DuPont.

# Letter from: Fallyn Sprowls

*Email: fallyn.sprowls@gmail.com*

*Address: 2540 Stryker Ave Apt B*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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# Letter from: Shari Schock

*Email: schocksj@yahoo.com*

*Address: 2602 Madrona Point Ln*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Kyle James

*Email: kyle@jasperrock.net*

*Address: 100 Brandywine Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327-9008*

*Country: US*

Hearing Examiner,

The Sequalitchew trail is one of the most beautiful places in all of DuPont area. Lovely fauna and flora abound. The trail is just one end of a large network of junction trails in the City, wonderful for walking or biking, and it lets out to a lovely little beach. I have grown up here and walked this trail hundreds and hundreds of times in my life and it is one of the most peaceful public places we have, it deserves to be further untouched. It is also a reminder of some of the very important history of the founding of this town. Please please please reconsider this, there is no need to destroy this wonderful place, I want my kids to be able to have the same love for this beautiful trail and the joy it provides

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since

time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Amy Bolden

*Email: amy.m.kuntz@gmail.com*

*Address: 1463 Thompson st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Rebecca Koch

*Email: rbcckch@gmail.com*

*Address: 2522 NE 204th St*

*City: Shoreline*

*State/Province Abbreviated: WA*

*Zip code: 98155*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Nia Leach

*Email: niam23437@gmail.com*

*Address: 2170 Palisade Blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Ciara Hollandsworth

*Email: ciaramichelle95@gmail.com*

*Address: 2321 Maple Lane*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Rosemary Fowler

*Email: frosebud1@aol.com*

*Address: 430 Deer Run Ct*

*City: Shepherdsville*

*State/Province Abbreviated: KY*

*Zip code: 40165*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Robert  Potter

*Email: rpotter@outlook.con*

*Address: 1561 Bittner Court*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Pamela Shaw

*Email: shawdave45@gmail.com*

*Address: PO Box 344*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Hannah Montgomery

*Email: hm.montgomery@hotmail.com*

*Address: 2702 Hidden Springs Loop SE*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98503*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Sarah Sabados

*Email: purges.chains.2o@icloud.com*

*Address: 1560 Sinclair Dr*

*City: DuPont, WA*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kayla Marinez

*Email: kaylammarinez@gmail.com*

*Address: 9823 Donovan Ct Se*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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# Letter from: Lucia Salgado

*Email: ltksls7@gmail.com*

*Address: 8715 Wildwood Ave sw*

*City: Lakewood*

*State/Province Abbreviated: nan*

*Zip code: Wa 98498*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Corinna Hartmann

*Email: corinnahart33@gmail.com*

*Address: 12548 Aqua Lane SE*

*City: Olalla*

*State/Province Abbreviated: WA*

*Zip code: 98359*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Carol Else

*Email: l.else@comcast.net*

*Address: 9702 Veterans Dr Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Aizhan Kozhatayeva

*Email: Aizhan.kozhatayeva@gmail.com*

*Address: 2923 McBride Court,*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Matthew Hallahan

*Email: matthallahan@yahoo.com*

*Address: 603 Louviers Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Sarah Haas

*Email: mooonlovee@gmail.com*

*Address: 7613 Zircon Drive SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Taryn Ellingson

*Email: tellingson123@gmail.com*

*Address: 810 5th St Apt 5*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Tyler Vassar

*Email: Tylercvassar@gmail.com*

*Address: 810 5th St Apt 5*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Rebekah  Sharpe

*Email: sharperebekah2@gmail.com*

*Address: 18 Lapsley Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98237*

*Country: US*

Hearing Examiner,

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# Letter from: Kristy Francis

*Email: k.francis44@protonmail.com*

*Address: 1813 Palisade Blvd*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Angely Tagomata

*Email: angelec.baby@gmail.com*

*Address: 3149 Sheaser Way*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Kelly Barron

*Email: barrons25@att.net*

*Address: 1822 Charles St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Tamyra  Lyday

*Email: 1divahen@gmail.com*

*Address: 209 Brandywine Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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# Letter from: Karen Nolan

*Email: fraukln@yahoo.com*

*Address: 1518 McDonald*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Mark Brinkhaus

*Email: mbrinkha@hotmail.com*

*Address: 1413 bobs hollow lane*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Vee Gery

*Email: exurb-garish-77@icloud.com*

*Address: 77th Ave ct ne*

*City: Gig harbor*

*State/Province Abbreviated: WA*

*Zip code: 98335*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Mike  Goodson

*Email: mfgood247@gmail.com*

*Address: Duncan Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Adam Van Manen

*Email: adamvm928@gmail.com*

*Address: 2107 Hammond Avenue*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Amy Einck

*Email: aeinck@gmail.com*

*Address: 1448 Latham Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Katherine Zmijewski

*Email: katherinepriceski@gmail.com*

*Address: 1846 Johnson Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Cassie Effler

*Email: cassie.effler@gmail.com*

*Address: 1837 Hoffman Hill Blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Robyn Jackson

*Email: robyn83186@yahoo.com*

*Address: 10056A sturgeon ave*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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# Letter from: Sarah Beall

*Email: SARAINWA@ICLOUD.COM*

*Address: 3164 Sheaser way*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Ralph Cordero

*Email: corderologic@gmail.com*

*Address: 2228 Forrest St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The proposed mining expansion on the South Parcel as outlined in the agreement between the City of DuPont and CalPortland.

While the 2011 settlement agreement outlines phased mining and environmental restoration, several red flags demand deeper scrutiny:

1. Conditional Restoration Risks: The Sequalitchew Creek restoration and groundwater monitoring plans are required before mining the South Parcel. However, restoration is not guaranteed to succeed, and any ecological damage caused by premature dewatering may be irreversible. Once mining begins, the city loses meaningful enforcement leverage.

2. Community Health & Safety Concerns: The South Parcel borders schools, homes, and tribal-interest lands. The risk of silica dust, diesel emissions, and long-term noise pollution puts students, families, and tribal communities at risk.

3. Groundwater Table Threats: The project requires aggressive dewatering to reach mining levels. Aquifer disruption threatens not only Edmond Marsh and Sequalitchew Creek but also long-term hydrological balance.

4. Lack of Tangible Community Benefit: There is no provision for revenue sharing, park development, educational support, or tribal reparations in exchange for the land and environmental risk imposed.

5. Environmental Justice Violations: The proposed expansion may violate the Healthy Environment for All (HEAL) Act by disproportionately impacting sensitive communities. Furthermore, it is unclear if the Nisqually Tribe has been formally consulted in compliance with RCW 43.376.020.

In light of these concerns, I urge the Hearing Examiner and City Council to reject or postpone any further permitting of

the South Parcel until the following occur:

? Independent third-party verification of restoration feasibility

? Full tribal consultation and community referendum

? Environmental impact reevaluation under the HEAL Act framework

# Letter from: Melina Harrington

*Email: melinacampini@gmail.com*

*Address: 1613 palisade blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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*Email: jake.e.henrie@gmail.com*

*Address: 1613 , Palisade Boulevard*

*City: DuPont*

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*Email: marinasingianak@gmail.com*

*Address: 1482 Willson Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Ducky Black

*Email: theduxer234@yahoo.com*

*Address: 11218 Butte Dr Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Lillian Beall

*Email: lillbinwa@msn.com*

*Address: 3164, Sheaser Way*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jesmarie Vives Vega

*Email: jesmarie.vives@gmail.com*

*Address: 1600 Sequalitchew Dr Unit 101*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Lois Engelbrecht

*Email: ljengelbrecht@hotmail.com*

*Address: 1925 GARRY OAKS AVE UNIT A*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Kaleb  Ross

*Email: kaleb.ross89@gmail.com*

*Address: 701 louviers ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Rhissa Mae Plaza

*Email: rplaza218@icloud.com*

*Address: 9313 Cardinal Loop*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Amber Asobayire

*Email: asobayiresfg@gmail.com*

*Address: 6015 Sutherland Dr*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kelli Hunter

*Email: kelliannhunter@gmail.com*

*Address: 10007 Meadow Rd Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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# Letter from: Liz Campbell

*Email: lizcampbell2014@gmail.com*

*Address: 67 Ivy Loop*

*City: Phenix City*

*State/Province Abbreviated: AL*

*Zip code: 36867*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Devyin Bokath

*Email: squeakersbokath@gmail.com*

*Address: 21745 Lee rd sw*

*City: Centralia*

*State/Province Abbreviated: WA*

*Zip code: 98531*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Luke  Ayres

*Email: luke.business40@gmail.com*

*Address: 2238 Bobs Hollow Ln.*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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Reject this proposal. Please enter these comments into the record.

# Letter from: Elvira Khalil

*Email: ellinice@msn.com*

*Address: 1321 Foreman*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Kelly Barron

*Email: barrons25@att.net*

*Address: 1822 Charles St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Maria Fe Lazarte

*Email: baileyfaye11@gmail.com*

*Address: 2683 Arnold St.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Angelo Lazarte

*Email: tkdchoppers@comcast.net*

*Address: 2683 Arnold St.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Kristin Sagardia

*Email: kristin.nichole90@gmail.vom*

*Address: 5078 N 3rd St*

*City: JBLM*

*State/Province Abbreviated: nan*

*Zip code: WA 98433*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Alyssa Pyman

*Email: lilpypy@gmail.com*

*Address: 1603 Washington st*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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# Letter from: Cassandra Forland

*Email: kittensfyre@hotmail.com*

*Address: 8323 Veterans Dr. SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Karen Konrad

*Email: karenkonrad@aol.com*

*Address: 2361 McDonald Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Dear Hearing Examiner,

I oppose the Pioneer Aggregates South Parcel Mine Expansion (PLNG2021-006).

City staff admits this project violates the Comprehensive Plan AND Critical Area Ordinance. The Staff Report states it "does not align with Comprehensive Plan policies" and admits "no mitigation is provided for the significant unavoidable impacts to the surface water bodies" - directly violating DMC 25.105.050, which REQUIRES mitigation "to achieve no net loss of stream function."

Scientists in the Final EIS admit "significant unavoidable adverse impacts" including:

83% creek flow loss along the Sequalitchew Creek trail from drying up natural seeps and springs

Vashon Aquifer levels dropping 8+ feet permanently

Multiple wetlands losing 1-3 feet of water forever

Creek temperatures getting too hot for fish survival

Seep wetlands along the creek ravine disrupted permanently

The EIS states the restoration plan "would likely NOT mitigate these impacts."

The Nisqually Indian Tribe never signed the 2011 Settlement Agreement that underlies this entire project. The sovereign tribal nation is formally appealing the Final EIS, citing:

Failure to properly identify tribal cultural resources

Violation of tribal consultation requirements

No adequate mitigation for impacts to sacred sites

How can you approve a project without consent from the sovereign tribal nation on their ancestral lands?

The city's conditional approval requires 38 conditions to "mitigate" environmental damage that the reports already prove cannot be mitigated. You cannot require the impossible. Plus, CalPortland has had OVER 15 years to provide the mitigation requirements in the Critical Areas Ordinance.

How can you approve a project that:

Violates city law (Comprehensive Plan AND Critical Area Ordinance)

Requires fixing damage scientists say CANNOT be fixed?

Demands impossible mitigation conditions?

This is legally impossible. DENY the approval.

Sincerely,

Karen Konrad

2361 McDonald Ave. Dupont WA  98327

karenkonrad@aol.com

253 912 4764

? THE SMOKING GUNS:

City staff admits it violates city law

Scientists say damage CANNOT be mitigated

Result: How can this be approved?

? SUPPORTING DOCUMENTS REFERENCED:

CalPortland Staff Report June 2025 (PLNG2021-006) https://wa-dupont.civicplus.com/.../20250613-South-Parcel...

Pioneer Aggregates South Parcel Project Final EIS (May 22, 2025) https://wa-dupont.civicplus.com/.../Pioneer-Aggregates...

DuPont Municipal Code 25.105 Critical Areas Ordinance https://www.codepublishing.com/.../DuPont25/DuPont25105.html

Sequalitchew Creek Restoration Plan https://wa-dupont.civicplus.com/.../20240430-PLNG2023-007...

Nisqually Tribe FEIS Appeal https://wa-dupont.civicplus.com/.../Pioneer-Aggregates...

# Letter from: Ashley Thompson

*Email: sweetiepiemommy21@gmail.com*

*Address: 10460A Chinook Ct*

*City: Jblm*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Krista Field

*Email: kristafield518@gmail.com*

*Address: 7601 146th St Sw, Lot 1*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98439*

*Country: US*

Hearing Examiner,

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# Letter from: Emily Sears

*Email: sears.emily.0712@gmail.com*

*Address: 8694 Baltimore St*

*City: Lewis Mcchord*

*State/Province Abbreviated: WA*

*Zip code: 98433*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Aaliyah  Villarreal

*Email: aaliyah.m.villarreal@icloud.com*

*Address: 2485 McNeil Street*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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# Letter from: Kelsie Clark

*Email: kelc.9009@outlook.com*

*Address: 504 Louviers Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Bobbi Huff

*Email: mxbadboi724@yahoo.com*

*Address: 458 Carpenter Rd SE*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98503*

*Country: US*

Hearing Examiner,

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Dale  Parsons

*Email: dcparsons1@comcast.net*

*Address: 9505 WAVERLY DR SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Meghan Carl

*Email: meghancarl@yahoo.com*

*Address: 6225 Madrone Dr Sw*

*City: Mcchord Afb*

*State/Province Abbreviated: WA*

*Zip code: 98439*

*Country: US*

Hearing Examiner,

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# Letter from: Andrew Obrien

*Email: phsplaya07@yahoo.com*

*Address: 7812 state route 302*

*City: Gig harbor*

*State/Province Abbreviated: WA*

*Zip code: 98329*

*Country: US*

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Becky Topp

*Email: annibell55@yahoo.com*

*Address: 2866 Martin st*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Lauren Lazarte

*Email: lauren.lazart02@gmail.com*

*Address: 2683 Arnold St.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Alyza Serania

*Email: alyzaaa.m@gmail.com*

*Address: 32218 7TH PL SW*

*City: Federal Way*

*State/Province Abbreviated: WA*

*Zip code: 98023*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Siobhan Brammer

*Email: srbaker512@gmail.com*

*Address: 1186 swan loop*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Tessa Wardle

*Email: teswardle@yahoo.com*

*Address: 1913 Homan Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

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# Letter from: Kelly Clark

*Email: kellyclark22@hotmail.com*

*Address: 108 Holly Ct*

*City: Fircrest*

*State/Province Abbreviated: WA*

*Zip code: 98466*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Gabby Lemmon

*Email: glemmon03@gmail.com*

*Address: 705 Louviers Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Climate Catastrophe

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Gregory  Butler

*Email: greg_a_butler@yahoo.com*

*Address: 1149 Aldrich Place*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Zoë poole

*Email: zoepoole588@yahoo.com*

*Address: 1460 richmond ct*

*City: dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Delaney Zuniga

*Email: dzuniga@plu.edu*

*Address: 912 85th st E*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98445*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Megan Foster

*Email: meganirena@comcast.net*

*Address: 2315 Oak Dr*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Paula  Valenti

*Email: harley613@aol.com*

*Address: 1822 Fisher Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Karen Johnston

*Email: karenjohnston951@gmail.com*

*Address: 2 Lagoon Lane North*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98398*

*Country: US*

Others have listed the tragic and irreversible consequences of allowing this mining. This is the crown jewel of DuPont and as your neighbor I regularly hike here and stop for a meal as do many others. I would be delighted to pay a use fee to park and hike. Save this area. Do whatever else you need to do to preserve and even restore it! Your grandchildren will be proud.

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# Letter from: Ashley  Sperske

*Email: ashley.krebs.7@gmail.com*

*Address: 10922 Idlewild Rd. SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Nicole Slattery

*Email: redekops@aol.com*

*Address: 2835 Mcneil St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Michelle Garcia

*Email: michellemccarty83@yahoo.com*

*Address: 1250 Burnside Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Vickie Clark

*Email: vlynne427@icloud.com*

*Address: 504 Louviers Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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The project's expansion would lead to both direct and indirect GHG emissions

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# Letter from: Ruth Conn

*Email: pdrcnn@comcast.net*

*Address: 2723 10th CT SE*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98501-2701*

*Country: US*

Hearing Examiner,

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Sincerely,

Ruth Conn

# Letter from: Denise Rutter-Lang

*Email: rutterla@yahoo.com*

*Address: 1425 Richmond Ct*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Chris Fletcher

*Email: fletcher4hwang@yahoo.com*

*Address: 2872 Cox St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Tessa Borjal

*Email: tessaborjal@hotmail.com*

*Address: 2818 Hannen St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Vic B

*Email: vfmbulaon@outlook.com*

*Address: 3117 Walker Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Alysson Holt

*Email: alyssonholt@gmail.com*

*Address: 5900 20TH AVE NW*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98107*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Dawn Stremel

*Email: dstremel@comcast.net*

*Address: 2723 10th CT SE*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98501*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Tasha Le

*Email: act_1_tasha@yahoo.com*

*Address: 101 Madrona Park Dr*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Aaron Mitchell

*Email: amitch3021@outlook.com*

*Address: 2221 McDonald Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Ella Bande

*Email: ellabande@gmail.com*

*Address: 2741 Meyer Street*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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# Letter from: Sharon Ferreira

*Email: joxerphile@outlook.com*

*Address: 2301 Wallace St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Star Wuerdemann

*Email: star@wuerdemann.info*

*Address: 10123 Superior St SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. This area is a treasure that cannot be replaced once harm is done. Please enter these comments into the record.

# Letter from: Jennifer Fischer

*Email: jojofische@gmail.com*

*Address: 1115 Sequalish St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Zac Lyday

*Email: zacharyjames37@gmail.com*

*Address: 209 Brandywine Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington. Many people who come to our town do so to walk the trail and they stop by various businesses in the community afterwards such as the museum. This project could deter people from visiting our community and take away business.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an affront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Jennifer  Emswiler

*Email: jennifer.emswiler@yahoo.com*

*Address: 3182 Hoffman Hill Blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

Jennifer Emswiler

# Letter from: Claire Heins

*Email: heins.claire@gmail.com*

*Address: 3092 HOFFMAN HILL BLVD*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

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# Letter from: Kristi Bair

*Email: kristigrund@yahoo.com*

*Address: 2325 Wallace St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Betty Sable

*Email: jabsable@yahoo.com*

*Address: 1457 Grant Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Cara Mitchell

*Email: caraemitch@gmail.com*

*Address: 2221 McDonald Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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This kind of impact will require mitigation in perpetuity, by CalPortland. Forever.

Because dewatering of the aquifer will potentially impact properties far outside the mining area per the EIS, consent should be required for potentially impacted property owners. Also, a mitigation fund must be established for potentially impacted properties.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

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The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations. It also will impact negatively property values for existing homeowners in the draw down area. How much money is being set aside for mitigation to private property owners?

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

Dewatering will require mitigation in perpetuity therefore CalPortland will need to require mitigation forever?in perpetuity. The impacts of development per the EIS will spread out far beyond the mine footprint.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

Once mining is complete, open pits will continually fill with water due to the breached aquifer. Cal Portland must provide funding for the dewatering efforts that will be permanently required with respect to the abandoned pits after mining is done.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of DuPont and our entire region.  Reject this proposal. They have lied in the past and will continue doing so. An entire generation has grown up knowing about the threat of mine expansion and threats to the aquifer. Please enter these comments into the record.

# Letter from: Michelle Ryder

*Email: akkadia@gmail.com*

*Address: 6005 190th Ave E*

*City: Bonney Lake*

*State/Province Abbreviated: WA*

*Zip code: 98391*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Kelsie Clark

*Email: kelc.9009@gmail.com*

*Address: 504 Louviers Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner, City and Public,

The Pioneer Aggregates South Parcel Project would endanger and damage our City?s already fragile and tormented ecosystems to a point that recovery is not possible. By allowing this project to proceed we are permanently damaging our natural environment and that of our neighbors. We are in a climate and environmental crisis, doing further harm so that a destructive business can expand is a crime on our land and to our future generations. These wetlands are home to many plant and animal species; they protect our homes from fire risk and give life to an expansion of surrounding ecosystems. Water is our most vital asset, if we choose not to protect it, we are setting our community up for a lifetime of suffering. I am speaking from my heart and through the hearts, health and safety of our future when I urge us to deny this project.

We will not be able to recover the life lost through the deforestation, drainage of our wetlands and aquifers, and lost habitat of our natural neighbors. I am sure that there are other comments being written with all the facts and data to back how I feel. This is a cry for help, a cry that this was never our land to harm, yet there has been so much tragedy, so much loss. How is it ok that still today we allow further destruction? Nature will always fight back, and I would rather be with it, speaking for those who cannot use words to protect themselves, instead of abusing it in the name of corporate profit. Think about what?s good, what?s right, what will our future generations thank us for and what will they hate us for. What side of that line do you want to be on?

There is not just one element at stake but many if we allow this project to proceed; Sequalitchew Creek elimination, Edmonds Marsh elimination, 15 acres of deforestation, 90 landmark trees removed, and an increased fire risk to name some. We already allowed our land to be abused at the cost of warehouses, and business complexes that are left unoccupied. Why would we be so careless to allow so much more life lost. I say this with confidence that this approval would create a moral and environmental deficit that is unrecoverable. We know more than we ever knew before, we are

at and beyond an environmental tipping point and if we allow such crimes against nature to unfold there will be no turning back from our mistakes.  Our willingness to cause harm to the land and burden our future generations is our responsibility to negate.

Please look over the facts and data above corporate profit and unrealistic promise.  Please think of those who can?t speak for themselves and for the future vitality of our community, our environmental region, and for those who cared for this land long before western industry plagued its beautiful natural function. The future is in how we work with the land instead of tearing it apart. Our responsibility is in what we choose to do in this moment.

# Letter from: Ducky Black

*Email: theduxer234@yahoo.com*

*Address: 11218 Butte Dr Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Ashley D. Mocorro Powell

*Email: a.mocorropowell@gmail.com*

*Address: 2003 26th Ave Ct SW*

*City: Puyallup*

*State/Province Abbreviated: WA*

*Zip code: 98373*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Mary Hurlbert

*Email: maryhurlbert316@gmail.com*

*Address: 2165 Hammond Ave. 11A*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

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# Letter from: Kimberly Steiner

*Email: savjer@comcast.net*

*Address: 17145 Snowbell Ct*

*City: Yelm*

*State/Province Abbreviated: WA*

*Zip code: 98597*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

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Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

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The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Tucker Racheal

*Email: rmtucker9@gmail.com*

*Address: 1710 Brown Ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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*Email: scotttucker1111@gmail.com*

*Address: 1710 Brown ave*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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*Email: chamarita915@gmail.com*

*Address: 1367 grant ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

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The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Annie He

*Email: anniehe2002@icloud.com*

*Address: 114 216th St SW*

*City: Bothell*

*State/Province Abbreviated: WA*

*Zip code: 98021*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Christian Zavala

*Email: czavala1395@gmail.com*

*Address: 6637 prism st se*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98513*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Nichole Ayres

*Email: nikkay08@yahoo.com*

*Address: 2238 Bobs Hollow Ln.*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Mallory Hall

*Email: malwilliams0324@gmail.com*

*Address: 9286 Eagle Circle*

*City: JBLM*

*State/Province Abbreviated: WA*

*Zip code: 98433*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Amy DeLeeuw

*Email: deLeeuw.amy@yahoo.com*

*Address: 1036 NE 88th St*

*City: Seattle*

*State/Province Abbreviated: nan*

*Zip code: 98115*

*Country: MX*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Monika Smith

*Email: gto1965@mail.com*

*Address: 2853 Hannen St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Conrad Harvey

*Email: conrad.harvey2802@gmail.com*

*Address: 3081 OBrien St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Threat to Groundwater

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# Letter from: Kabir de Leeuw

*Email: kabirdeleeuw@gmail.com*

*Address: 235 Garth Rd*

*City: Scarsdale*

*State/Province Abbreviated: NY*

*Zip code: 10583*

*Country: US*

Hearing Examiner,

Thank you for your time, care, and support of the public good.

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like

asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Samantha Dawson

*Email: samantha.m.4614@gmail.com*

*Address: 1761 McDonald Ave*

*City: Dupont*

*State/Province Abbreviated: NC*

*Zip code: 28327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Courtney Davis

*Email: c.davis622@gmail.com*

*Address: 1232 S State Street*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Jennifer Calma

*Email: smlnjlotr21@yahoo.com*

*Address: 1473 Bobs Hollow Ln*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Fletcher Crone

*Email: fletchercrone@gmail.com*

*Address: 1920 N union ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98406*

*Country: US*

Hearing Examiner,

As each year passes, industry grows, and more carbon is pumped into the atmosphere our winters shorten and our glaciers shrink. For many communities, including large cities such as Tacoma, water which would normally come from upstream dams, is being needed more and more from underground aquifers during the hot summer months.

If we think 10 years into the future, how are those needs going to expand further? Will cities like Tacoma need to be pumping in water from nearby aquifers like those in DuPont? As we?ve seen in California, water is pumped hundreds of miles during droughts, and Washington doesn?t seem far off.

10 years from now, what will be the actual benefit of this gravel mine? Will any benefits outlast the long-standing impacts to critical groundwater?

And what about the impacts to Salmon? On air quality? How much money will have to be spent cleaning up this mess once the jig is up?

What I?m encouraging is proactive thinking. Think generations on. What is best, healthiest, most beneficial to DuPont residents not just now, but 10, 20, 50 years from now?

# Letter from: Derek Emswiler

*Email: derekems@gmail.com*

*Address: 3182 Hoffman Hill Boulevard*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Amber Griffith

*Email: ajoy0317@gmail.com*

*Address: 431 Broadway, 511*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98402*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Calvin Parker

*Email: calvinlparker@gmail.com*

*Address: 717 11th Ave se apt 2*

*City: olympia*

*State/Province Abbreviated: WA*

*Zip code: 98501*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

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# Letter from: Isabella Troiani

*Email: it.troiani@gmail.com*

*Address: 2114 Jackson Avenue Northwest*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Shannon Connor

*Email: shannonmarieconnor@gmail.com*

*Address: 226 tullis st ne*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506-3311*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Ben Pagel

*Email: benhpagel@gmail.com*

*Address: 7225 Bayview Dr. NE #2*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506*

*Country: US*

Hearing Examiner,

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An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Caitlin Murphy

*Email: caitaldo.beast@gmail.com*

*Address: 1012 N 8th St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98403*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Karen Ferrer

*Email: millareskaren@ymail.com*

*Address: 3167 Shaw st*

*City: dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Olivia  Smith

*Email: firstbornhi@gmail.com*

*Address: 2853 Hannen St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Allie Deaton

*Email: deatonallie@gmail.com*

*Address: 1211 4th Avenue West*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Gabriel Torres-Figueroa

*Email: gtorresfig@gmail.com*

*Address: 1318 Foreman Rd.*

*City: DuPont, WA*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

Hi. You might see a lot of letters like this, and for good reason; the following (after the double forward-slash, //) is a clear and concise summary of the FEIS for the Pioneer Aggregates South Parcel Project and the impacts it would have on our community, big and small. But if I were in your shoes, I'd want to see people actually talk about it, so here I am doing so.

Reading the FEIS, I ask myself nuanced questions to determine if I am in favor or in opposition of the expansion of a nearby gravel mine. "Who does this benefit? Who does this harm? What will this change now? What will this change in the future?" alongside the "How?" and "Why?"s to further understanding of cause and effect.

I believe this proposal benefits CalPortland's bottom line by receiving funding in exchange for construction equipment, materials, and services. I believe this proposal likely benefits the city of DuPont and its officials, who would gain the tax revenue of goods and services involved in the expansion of the mine. But due to the evidence shown in the FEIS, this is not a sustainable or worth-while benefit.

I believe this proposal will harm our community by straining our relationship with tribes like Nisqually (who have lived in these lands and have intimate knowledge of them), exposing our vulnerable populations to pollution, and destroying the rare and natural beauty we enjoy in our environment. I believe this proposal will harm our ecosystem's wildlife through the destruction of habitats, the constricting of creek flow, and the stressing of its salmon to spawn, a keystone species that this ecosystem depends on to exist. I believe this proposal could even harm local governments like DuPont if it at any point tries to heal the harm done to us, as the cost of repairs and public services would come straight from the taxes it tried to garner and maintain.

But the logic we hold in opposition of this proposal of expansion is not as complicated. It includes a simple question:

which of our options is best for us? Not just the county, or the people, or the wildlife, but every single living, breathing thing on this Earth. Such an option shows worthwhile consideration of this. The expansion of a gravel mine in our community is not such an option.

Thank you. Please enter these comments into the record.

//

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

## An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat

conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

## A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

//

Please enter these comments into the record.

# Letter from: Kristen Triquet

*Email: kristenmackie27@gmail.com*

*Address: 1690 Sequalitchew Dr*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

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Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Christina McLamore

*Email: cmclamore@gmail.com*

*Address: 6430 S Wapato St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98409*

*Country: US*

Most Esteemed Hearing Examiner:

I am a resident of Pierce County, and I have walked along the Sequalitchew Creek Trail and a little stretch of the beach at least once per year. It is a family friendly walk, not overstrenuous, but rewarding. I love to see the natural conservation areas. It is the only reason I have ever visited Dupont.

I am afraid that the Final Environmental Impact Statement regarding the Pioneer Aggregates South Parcel Project reveals alarming consequences for the Sequalitchew Creek. The Vashon Aquifer's groundwater levels could be reduced by up to 30 feet, resulting in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts.

Lower groundwater inputs cresult in higher stream temperatures. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that will negatively impact salmon populations such as coho and chum salmon, as well as cutthroat trout. This is not all. The expansion threatens elimination of Edmond Marsh, a Class I wetland, and 10.8 acres of the Kettle Wetland. It could very well destroy over 170 acres of forest, and at least 90 landmark trees.

These negative impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

The Sequalitchew Creek "Restoration Plan" proposes to mitigate some impacts of the mining project. It is putting a band-aid on a limb that is bleeding out while falsely taking credit for having saved it. It is mere lip service, intended to placate the public who won't take action until it is too late. Of course, a more robust and accurate restoration plan can

and should be created and funded without dependency on the gravel mine.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions that are both direct and indirect from machinery and vehicles. Consider the noise and light pollution too. The ongoing habitat disruption will have long-term ecological and climatic effects, such as a decline in the population of local bats, birds, and the western gray squirrel, for example. It also threatens the health, safety and enjoyment of frequent visitors to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington. Local residents should also be alarmed by the exposure to increased particulate matter. Anyone with pre-existing respiratory problems and cardiovascular diseases will be at increased risk.

The Nisqually Tribe's Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas. The Nisqually Tribe has submitted formal comments to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites. It is our duty to safeguard their cultural heritage and its link to the land and water.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Protect the people and the habitat enjoyed by many species. Reject this proposal.

Please enter these comments into the record. Thank you.

# Letter from: Kim Underwood

*Email: sunnyfurdays1@gmail.com*

*Address: 12111 Clover Creek Dr. SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Jun Griese

*Email: whalecomehome96@gmail.com*

*Address: 1212 5th Ave sw*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: JAY SENATRO

*Email: AClockworkGarage@gmail.com*

*Address: 509 VIOLET MEADOW ST S*

*City: TACOMA*

*State/Province Abbreviated: WA*

*Zip code: 98444*

*Country: US*

Hearing Examiner,

We do not inherit the world from our parents, we borrow it from our children.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable

sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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# Letter from: Bailey Watkins

*Email: meadowlarkclark@gmail.com*

*Address: 1212 5th ave SW*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Steve A

*Email: stevealgiere@gmail.com*

*Address: 4801 79th St E*

*City: tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98443*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Flora Benson

*Email: florajoycebenson@gmail.com*

*Address: 2506 conger ct nw*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Ollie Thomas

*Email: thomasrolivia@gmail.com*

*Address: 1620 Woodard Ave*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Anne Overby

*Email: missyoly@comcast.net*

*Address: 2246 25th LN NE*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506*

*Country: US*

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# Letter from: frances green

*Email: smojohunt@gmail.com*

*Address: 52 ne Tillamook st*

*City: portland*

*State/Province Abbreviated: OR*

*Zip code: 97212*

*Country: US*

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# Letter from: Garry Oak  Coalition

*Email: action@oak.eco*

*Address: 6925 Hillgrove Ln SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499-1934*

*Country: US*

Hearing Examiner,

I am writing on behalf of the Garry Oak Coalition, an environmental non-profit based in Lakewood, Washington. We are profoundly concerned about the clearly foreseeable adverse environmental impacts were this project to proceed.

Please make our non-profit a party of record and inform us of any decisions or future comment deadlines.

No meaningful mitigation is possible for the dewatering of our sole source aquifer, which is a resource of critical importance, especially considering the water crisis we find ourselves in. Our glaciers are disappearing and our rainfall is less, and droughts longer.

Dewatering, because it would severely reduce the water supply to Sequalitchew Creek, would also have a clearly foreseeable impact on the viability of Sequalitchew Creek as salmon habitat. Salmon are a keystone species for our region, which means they support the entire ecosystem. As such, they are also of fundamental cultural importance to the native peoples here.

Best available science requires the protection of the aquifer and of the salmon. Dupont is subject to the Growth Management Act's requirements, including adhering to best available science in its decision-making. By allowing the destruction of critical areas (aquifer, salmon habitat and other priority habitat, including Garry oaks) without meaningful mitigation, which in the case of the aquifer does not exist, Dupont will have a net loss of critical areas, which is forbidden under the GMA.

The time is now to protect our aquifer -- because our lives and the lives of future generations of all living beings, depend on it.

Sincerely,

Christina Manetti, Ph.D.

Garry Oak Coalition

# Letter from: Julie Erickson

*Email: sailgal24@gmail.com*

*Address: 1924 Jensen Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Christina Manetti

*Email: manetti@uw.edu*

*Address: 6925 Hillgrove Lane SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

*Country: US*

To the Hearing Examiner:

I am writing to oppose the dewatering of the Vashon Aquifer by the proposed gravel mine in Dupont.

Please make me a party of record and inform me of any decisions or future comment deadlines.

No meaningful mitigation is possible for the dewatering of our sole source aquifer, which is a resource of critical importance, especially considering the water crisis we find ourselves in. Our glaciers are disappearing and our rainfall is less, and droughts longer.

Dewatering, because it would severely reduce the water supply to Sequalitchew Creek, would also have a clearly foreseeable impact on the viability of Sequalitchew Creek as salmon habitat. Salmon are a keystone species for our region, which means they support the entire ecosystem. As such, they are also of fundamental cultural importance to the native peoples here.

Best available science requires the protection of the aquifer and of the salmon. Dupont is subject to the Growth Management Act's requirements, including adhering to best available science in its decision-making. By allowing the destruction of critical areas (aquifer, salmon habitat and other priority habitat, including Garry oaks) without meaningful mitigation, which in the case of the aquifer does not exist, Dupont will have a net loss of critical areas, which is forbidden under the GMA.

The time is now to protect our aquifer -- because our lives and the lives of future generations of all living beings, depend on it.

Sincerely,

Tichomir Dunlop

# Letter from: James Dunlop

*Email: consultarchie@gmail.com*

*Address: 6925 Hillgrove Lane SW*

*City: Lakewood*

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James Dunlop

# Letter from: Tichomir Dunlop

*Email: tiskolin@gmail.com*

*Address: 6925 Hillgrove Lane SW*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98499*

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Tichomir Dunlop

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*City: Lakewood*

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Sincerely,

Christina Manetti, Ph.D.

# Letter from: Ally Orosco

*Email: aorosco000@gmail.com*

*Address: 4515 S G St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98418*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Ben Peterson

*Email: bgp3@uw.edu*

*Address: 6031 Bryanston Ln SE*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98513*

*Country: US*

Hearing Examiner,

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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# Letter from: Jake Altschul

*Email: jake.altschul@gmail.com*

*Address: 233 St Helens Ave Apt 409*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98402*

*Country: US*

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# Letter from: Timothy Vega

*Email: t101jv@gmail.com*

*Address: 5225 N 9th St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98406*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Elisha Arafel

*Email: enarafel@gmail.com*

*Address: 1221 S 8th St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Taylor Morris

*Email: taymorris2015@gmail.com*

*Address: 25007 108th Ave SE*

*City: Kent*

*State/Province Abbreviated: WA*

*Zip code: 98030*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Sarah Ostheller

*Email: chik.zilla@gmail.com*

*Address: 1030 s 63rd st*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98408*

*Country: US*

Hearing Examiner,

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# Letter from: Zev Cook

*Email: zevcook1@gmail.com*

*Address: 6701 e B st.*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98404*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Karyna Boykin

*Email: kbgrl12345@gmail.com*

*Address: 1328 Market St Apt 201*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98402*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: Lisa Hayek

*Email: lisahayek@gmail.com*

*Address: 4912 N 36th St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98407*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jay Oak-Schiller

*Email: oakschiller2@gmail.com*

*Address: 6839 s I st*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98408*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Pam Ketzner

*Email: pamk30@comcast.net*

*Address: 3529 North Villard street*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98407*

*Country: US*

Hearing Examiner,

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# Letter from: Marianne Lincoln

*Email: marianne26435@gmail.com*

*Address: 2350 S Wilkeson St*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Scott Stugelmeyer

*Email: stugie@gmx.com*

*Address: 511 Louviers Ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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Under state law, the numerous White Oaks on this land are to be protected, as many of them are over 300 years old - some upwards of 700 or 800 years old. Destroying these trees is irreparable, irresponsible, and outright illegal.

A Climate Catastrophe

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.

If DuPont allows this mine expansion, those involved with allowing for it to happen should consider themselves directly responsible for the destruction of natural resources, the decline of residents? health, and the blatant disregard of it?s own citizens pleas to respect the heritage of the Nisqually people, and the malicious intent to make a buck over thinking over future generations.

Reject this proposal. Please enter these comments into the record.

# Letter from: Alexys Cupper

*Email: jstagrl111@hotmail.com*

*Address: 1175 Griggs St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Yvonne Levar

*Email: yvonnelevar@gmail.com*

*Address: 3166 Walker RD*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Todd Merritt

*Email: slowmow@comcast.net*

*Address: 2920 Hyland St*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Kendal  Holzman

*Email: serenity1385@icloud.com*

*Address: 4004 S. 12th St, Apt. C*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kathleen Proudfoot

*Email: kathgoss@hotmail.com*

*Address: 419 NE Clark Ave*

*City: Battle Ground*

*State/Province Abbreviated: WA*

*Zip code: 98604*

*Country: US*

Hearing Examiner,

Please hear our plea. Save these precious lands.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Alisa Lee

*Email: alisagracelee@gmail.com*

*Address: 2134 S Cushman Ave*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98405*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

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Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Kulleen Hess-Harvey

*Email: kulleenhess@hotmail.com*

*Address: 3081 Obrien St*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Karina Martinez

*Email: deehhh8907@gmail.com*

*Address: 11508 NE 126th Ave*

*City: Vancouver*

*State/Province Abbreviated: WA*

*Zip code: 98682*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: Katherine  Martin

*Email: katherinewelsh82@gmail.com*

*Address: 1112 Sequalish St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

This is about money, corruption and greed. Taking this from the community would be devastating for all involved. This land is the people's land to learn, enjoy and use. We will never forget how it was taken and will watch the mine slowly destroying its beauty. This will enrage the community for years to come. There will be no winners and will end in regret for everyone. Please make this decision in good faith.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Lori Garcia

*Email: lori.garcia76@gmail.com*

*Address: 310 CEDAR ST*

*City: STEILACOOM*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

Please do not let this happen!  Almost impossible to undo the damage that will be done?so sad.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is

closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

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The project's expansion would lead to both direct and indirect GHG emissions

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Kriss Kimball

*Email: miriama59@gmail.com*

*Address: 2411 Oak Drive Unit C*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals devastating consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

I beg of you to please consider all the effects upon our world, our community and our history.

# Letter from: Bill Moore

*Email: wjmmoore@hotmail.com*

*Address: 2411 Oak Dr  unit C*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388-4115*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

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# Letter from: Carmin  Shauers

*Email: carminfdnp@gmail.com*

*Address: 207 Union Ave*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Kristy Watts

*Email: catqueenkkw@yahoo.com*

*Address: 2505 Woods Dr*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Cheryl  Lingenfelter

*Email: cherylandjohn1999@gmail.com*

*Address: 1798 Jensen ave*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Lisa Spangler

*Email: lisajspangler@gmail.com*

*Address: 42 West Shore Ct*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Laura Mersmann

*Email: Mersmannlaura@gmail.com*

*Address: 2801 Marietta Street*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Alyson Marquardt

*Email: alysonmarquardt14@gmail.com*

*Address: 6615 S Gove St.*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98409*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Lyn Geer

*Email: lynbeer@gmail.com*

*Address: 1706 Adams st*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Neriah Tacury

*Email: neriaht11@gmail.com*

*Address: 1364 Foreman Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Connor Shoup

*Email: connorshoup15@gmail.com*

*Address: 1114 Harrington Pl*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

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# Letter from: trinity carrera

*Email: trinityrcarr@gmail.com*

*Address: 2701 Rigney rd.*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Frankie Perry

*Email: audraperry2208@gmail.com*

*Address: 8819 31st Ave NE*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98516*

*Country: US*

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heritage and environmental integrity of the Nisqually Tribe.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: William Noland

*Email: william.noland1977@gmail.com*

*Address: 2921 Hyland St.*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Cynthia McKitrick

*Email: cinmck@mindspring.com*

*Address: 1508 Sequalish St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

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# Letter from: Anita Kildare

*Email: akildare@msn.com*

*Address: 44 Queets St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Sheryl  Edwards

*Email: texashowdy@yahoo.com*

*Address: 15214 JAMAICA DR*

*City: Willis*

*State/Province Abbreviated: TX*

*Zip code: 77318*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Sally Scott

*Email: fitfourlife@live.com*

*Address: 624 Shannon St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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# Letter from: Terri Pritchett

*Email: pritchetttheresia@gmail.com*

*Address: 67 Ira Light St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Paige Hall

*Email: paige.l.hall@gmail.com*

*Address: 703 1st St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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# Letter from: Erick Arevalo

*Email: erickmarevalo@gmail.com*

*Address: 2830 SW 36TH AVE*

*City: Miami*

*State/Province Abbreviated: FL*

*Zip code: 33133*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Nicole Friedrick

*Email: senojelocin@gmail.com*

*Address: 2425 Western Road*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

I realize this is a form letter and you are getting a lot of them. I was incredibly disappointed to see this is still a possibility. It feels so short sighted in a time when we need to protect what few natural resources we haven?t damaged. I walk the trail often with my child and dog. I always see a handful of people if it?s odd hours or raining, and dozens of people if it?s sunny or typical walking hours. It is a gem that is listed on all trails and Washington trails association. It brings people from out of area to Dupont who likely frequent the businesses on their way through.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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# Letter from: Evyn Sivankeo

*Email: megan2012grace@gmail.ccom*

*Address: 2261 Wallace loop*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Tawna Hubbard

*Email: hubefc@gmail.com*

*Address: 6525 55th St Ct W*

*City: university Place*

*State/Province Abbreviated: WA*

*Zip code: 98467*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

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# Letter from: Barbara Caraway

*Email: bcaraway911@gmail.com*

*Address: 10430 Hanging Moss Trl*

*City: Mint Hill*

*State/Province Abbreviated: NC*

*Zip code: 28227-8932*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Mary Pugh

*Email: mrileyp@icloud.com*

*Address: 2908 Francis Chapman West*

*City: Williamsburg*

*State/Province Abbreviated: VA*

*Zip code: 23185*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Nicholas Beers

*Email: nich.beers@gmail.com*

*Address: 730 Sutter Ln SE, F103*

*City: Lacey*

*State/Province Abbreviated: WA*

*Zip code: 98503*

*Country: US*

Hearing Examiner,

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# Letter from: Cecilia Valverde

*Email: ceciliavalve225@gmail.com*

*Address: 43 Queets St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Jayden Nobles

*Email: jaydennobles@gmail.com*

*Address: 4452 Telfair Blvd apt 4082*

*City: Camp springs*

*State/Province Abbreviated: MD*

*Zip code: 20746*

*Country: US*

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Jessica Moore

*Email: writersphantasm@gmail.com*

*Address: 1478 WILLSON AVE*

*City: DUPONT*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Pam Beal

*Email: pambeal@gmail.com*

*Address: 204 Contra Costa Ave*

*City: Fircrest*

*State/Province Abbreviated: WA*

*Zip code: 98466-7226*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Zyelycia Patrick

*Email: zyelyciapatrick@gmail.com*

*Address: 500 DuPont Avenue*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Nia Leach

*Email: niam23437@gmail.com*

*Address: 2170 Palisade Blvd*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Ambar Young

*Email: ambar.bonilla77@gmail.com*

*Address: 1820 Hoffman Hill Blvd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Elijah Sinclair

*Email: snclr14@gmail.com*

*Address: 871 Spruce St Se*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98513*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Linda Hitchcock

*Email: hitchychick@hotmail.com*

*Address: 1102 Bell Hill Pl*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: J Gomez

*Email: jegomez999@yahoo.com*

*Address: 19910 84th Ave*

*City: Spanawah*

*State/Province Abbreviated: WA*

*Zip code: 98387*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: Elisa McGee

*Email: munchonbrains@gmail.com*

*Address: 210 Bethel st NE , Apt 17*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Haley Haller

*Email: hhaller@comcast.net*

*Address: 2490 Worthington St*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Allie Deaton

*Email: deatonallie@gmail.com*

*Address: 1211 4th Avenue West*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98502*

*Country: US*

Hearing Examiner,

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# Letter from: Lynn Noland

*Email: lynnifers@gmail.com*

*Address: 2921 Hyland st*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

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# Letter from: Leanne zayac

*Email: leanne.thomas45@gmail.com*

*Address: 3165 Walker Rd*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Sydney Harris

*Email: sydneyjharris96@gmail.com*

*Address: 4514 Dogwood St SW*

*City: Jblm*

*State/Province Abbreviated: WA*

*Zip code: 98438*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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The project's expansion would lead to both direct and indirect GHG emissions

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Christine Connerly

*Email: cconnerly@csuchico.edu*

*Address: 1090 Murray Road*

*City: Mckinleyville*

*State/Province Abbreviated: CA*

*Zip code: 95942*

*Country: US*

Hearing Examiner,

I grew up in this neighborhood and know how beautiful and important it is to the local community!

Below are some of the many reasons this project should NOT be allowed to happen!

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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# Letter from: Jennifer Poole

*Email: andersonclan3@msn.com*

*Address: 1460 Richmond Ct*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Stephanie  Beall

*Email: taffie.beall@gmail.com*

*Address: 3164, Sheaser Way*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

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While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

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# Letter from: Marlene Kam

*Email: 1000xohotos@gmail.com*

*Address: 97 Chinook La Unit E*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

As the population in our area increases, it seems unconsciounable that you would allow destruction of aquifers, forest lands etc in favor of corporate interests.

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is

closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

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Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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asthma and chronic bronchitis.

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# Letter from: Sarah Shewman

*Email: tootsnaughty@hotmail.com*

*Address: 9720 Lawndale Ave Sw*

*City: Lakewood*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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# Letter from: Anne Overby

*Email: missyoly@comcast.net*

*Address: 2246 25th LN NE*

*City: Olympia*

*State/Province Abbreviated: WA*

*Zip code: 98506*

*Country: US*

Hearing Examiner,

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Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.

# Letter from: Steven Mock

*Email: steven.d.mock@gmail.com*

*Address: 1548 Richmond Avenue*

*City: Dupont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

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# Letter from: Jessica Peppers

*Email: jesspeppers@live.com*

*Address: 210 7th Street*

*City: Steilacoom*

*State/Province Abbreviated: WA*

*Zip code: 98388*

*Country: US*

Hearing Examiner,

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

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Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

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# Letter from: Makayla Lewis

*Email: makaylamarielewis@gmail.com*

*Address: 9717 108th Ave Sw*

*City: Tacoma*

*State/Province Abbreviated: WA*

*Zip code: 98498*

*Country: US*

Hearing Examiner,

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heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

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Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

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The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

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The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

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# Letter from: Kimberly Borgen

*Email: kimskean@yahoo.com*

*Address: 1889 McNeil Cir*

*City: DuPont*

*State/Province Abbreviated: WA*

*Zip code: 98327*

*Country: US*

Hearing Examiner,

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# Letter from: Elizabeth  Keever

*Email: keeverliz@gmail.com*

*Address: 2565 Dexter Ave #302*

*City: Seattle*

*State/Province Abbreviated: WA*

*Zip code: 98109*

*Country: US*

Hearing Examiner,

The Final Environmental Impact Statement reveals alarming consequences: dewatering the Vashon Aquifer could reduce groundwater levels by up to 30 feet, threatening the health of Sequalitchew Creek. This would result in the loss of up to 79% of the creek's flow, disrupting salmon habitat and undermining decades of restoration efforts. Additionally, the expansion threatens to eliminate Edmond Marsh, a Class I wetland, and destroy over 170 acres of forest, 10.8 acres of the Kettle Wetland, and at least 90 landmark trees. These impacts violate DuPont?s Critical Area Ordinance and Growth Management policies, which mandate no net loss of wetland and stream functions. The proposed mitigation measures are insufficient and temporary, leaving the environment vulnerable in the long term.

Impacts to the Nisqually Tribe

The Nisqually Tribe has expressed concerns about the potential desecration of ancestral graves and sacred sites within this landscape. Hereditary Chief Leonard Squally has highlighted the importance of protecting these areas, which have sustained the Nisqually people since time immemorial. The proposed mining activities pose risks of disturbing these sacred sites, leading to irreversible cultural losses. The Nisqually people have inhabited the Sequalitchew area since time immemorial, with archaeological evidence indicating human presence in the broader Puget Sound region for at least 8,000 to 12,000 years.

The Nisqually Tribe's concerns are substantiated by their formal comments submitted to the City of DuPont's Hearing Examiner, emphasizing the adverse impacts on cultural resources and urging for the protection of these irreplaceable sites.

In light of these considerations, it is imperative to oppose the proposed mine expansion to safeguard the cultural

heritage and environmental integrity of the Nisqually Tribe.

Threat to Groundwater

Lowering the groundwater table can reduce the pressure that keeps saline water from encroaching into freshwater aquifers, especially in coastal areas. If the Vashon Aquifer experiences significant drawdown, it could potentially allow for the upward movement of saline water from deeper layers or lateral intrusion from nearby saline sources, leading to salination of the aquifer.

Moreover, dewatering could impact nearby wetlands and marshes, such as Edmond Marsh, by lowering groundwater levels, which may lead to ecological degradation. The loss of these wetlands could further alter the natural recharge and filtration processes that protect aquifer water quality.

An Assualt on Salmon and Orca Recovery

The mining project's dewatering activities are expected to lower groundwater levels, diminishing the flow from springs that currently feed Sequalitchew Creek. This reduction will lead to decreased streamflow, particularly during dry periods, adversely affecting salmon habitats. The Final Environmental Impact Statement (EIS) notes that "the contribution from springs with the Proposed Action and Sequalitchew Creek Restoration Plan would be lower than under existing conditions," potentially impacting fish migration and spawning.

Lower groundwater inputs can result in higher stream temperatures, which are detrimental to salmon, especially during summer months. The EIS anticipates that "creek temperatures in the summer?particularly June through August?are expected to rise to 21°C," a level that can stress salmon populations.

Changes in groundwater levels are expected to alter the hydrology of nearby wetlands, such as Edmond Marsh, which serve as critical rearing habitats for juvenile salmon. Disruptions to these wetlands could impair their ability to support salmon life stages.

The Sequalitchew Creek Restoration Plan is proposed to mitigate some impacts of the mining project, but it is ultimately more of a re-engineering plan designed to foil public outcry over the destruction of so much habitat. Its implementation is closely tied to the mining proposal, raising concerns about potential delays or dependencies that could hinder timely restoration efforts. Most importantly, a more robust and accurate restoration plan could be created and funded without

dependency on the gravel mine.

The combined effects of reduced streamflow, increased temperatures, and altered habitats could cumulatively impact salmonid species, including coho and chum salmon, as well as cutthroat trout. These species rely on specific habitat conditions that may be compromised by the proposed mining activities. With planning begginning to allow the Sequalitchew estuary to flow freely and rebuild, this project is in direct contradiction. Salmon are a vital food source for the endangered Southern Resident Orca, and the Sequalitchew system once supported thousands of fish. This project would greatly impair our ability to rebuild this break in the food chain.

A Climate Catastrophe

The project's expansion would lead to both direct and indirect GHG emissions

Direct Emissions: Arising from on-site activities such as excavation, processing, and transportation of materials.

Indirect Emissions: Resulting from electricity consumption and the production of materials used in operations.

While the Environmental Impact Statement (EIS) acknowledges that these emissions would constitute a small percentage of the state's total GHG inventory, they are nonetheless additive and contribute to cumulative climate impacts.

The expansion entails clearing approximately 188 acres of previously undisturbed forest and shrubland. This vegetation currently acts as a carbon sink, absorbing CO? from the atmosphere. Its removal not only releases stored carbon but also diminishes the area's future carbon sequestration capacity.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained emissions from machinery and vehicles, as well as ongoing habitat disruption, which can have long-term ecological and climatic effects.

When combined with other regional developments and industrial activities, the project's emissions and environmental disturbances contribute to broader cumulative climate impacts. These include exacerbated local air quality issues, increased regional temperatures, and strain on local ecosystems already vulnerable to climate change.

The mine expansion threatens to degrade and fragment critical habitats for bats, birds, and the western gray squirrel, leading to declines in these wildlife populations.

A Threat to Community and Recreation

The proposed expansion of the Pioneer Aggregates South Parcel Project poses significant threats to the Sequalitchew Creek Trail, a cherished recreational asset in DuPont, Washington.

The expansion would bring mining operations closer to the trail, leading to increased noise and visual disruptions. The construction of a 20-foot-high berm on the south side of Phase 2C is planned to mitigate noise, but the proximity of mining activities may still detract from the trail's natural ambiance.

Dewatering activities associated with the mine could lower groundwater levels, affecting the flow of Sequalitchew Creek. Frequent trail walkers will notice the groundwater seeps that sustain the lush hillside, including a rare native Chain Fern, that grows out of this specific habitat. De-watering would eliminate these cool-water seeps likely in their entireity.

The removal of forested areas and wetlands for mining will lead to habitat loss for various wildlife species. This degradation may reduce opportunities for wildlife observation along the trail, impacting the experience for nature enthusiasts.

The project is anticipated to extend mining activities by approximately 14 years. This prolonged period of operation means sustained disturbances, potentially affecting trail accessibility and enjoyment over a significant timeframe while increasing localized air pollution and heat island affects.

The mining activities are expected to elevate levels of particulate matter (PM), particularly PM?? and PM?.?, due to operations such as excavation, blasting, and transportation. These fine particles can travel long distances, affecting air quality in surrounding communities.

Exposure to elevated levels of particulate matter is linked to various health issues:

Respiratory Problems: Inhalation of fine particles can lead to reduced lung function and exacerbate conditions like asthma and chronic bronchitis.

Cardiovascular Diseases: Air pollution contributes to heart diseases and can increase the risk of heart attacks and strokes.

Neurological Effects: Long-term exposure has been associated with cognitive decline and neurological disorders.

Vulnerable Populations: Children, the elderly, and individuals with pre-existing health conditions are particularly susceptible to the adverse effects of air pollution.

The applicant's relentless pursuit of profit in plundering this archeologically and ecologically unique landscape is an afront to the residents of Dupont and our entire region.  Reject this proposal. Please enter these comments into the record.