

**The Nisqually Tribe and Ft. Lewis, Washington
Ongoing Consultation At The Formal And Informal Level**

- Fort Lewis is built on lands previously occupied by the Nisqually. When the Fort was built, the Tribe “agreed” to move across the river to a much smaller area, now called the Nisqually reservation. The Ft. and the reservation share common borders in several places. Over the years, relationships between the Ft. and the Tribe had not been very good. Although the Tribe had a treaty that guaranteed them access to their “usual and accustomed” hunting, fishing and gathering places, Tribal members were often detained by military police when they tried to exercise those rights.
- In 1980, the Tribe approached the installation about regaining a particular area of land for use as a fish hatchery. The hatchery was part of the Tribe’s plan for economic development, in keeping with their cultural history. It took almost six years of formal and informal meetings, mostly with Ft. Lewis, but often involving other Federal agencies. Negotiations would break down, deadlines would come and go – at one point, both the Tribe and Ft. Lewis staff who were supportive of the Nisqually thought that politics and red tape would prevent anything from happening.
- By 1986, the land was finally made available to the Nisqually. Sometime later, construction began on the fish hatchery, which was completed and open for operation by 1990.
- Tribal staff and Ft. Lewis staff had formed an effective partnership by the early 1990’s. The primary driving force behind this partnership was the commitment of the cultural resources manager at the Ft. and his counterparts at the Tribal level.
- There were several issues the Tribe wanted to discuss with the Fort, now that they were finally were being listened to by staff. A process for conducting formal and informal consultations was mutually agreed upon, and guidelines for determining when each was appropriate were also discussed. (By the late 1990’s, this process had been formalized in writing.)
- Although things have never gone smoothly, and Ft. Lewis staff and Nisqually staff are frequently frustrated by their limited power to make things happen, several MOAs/MOUs have been finalized.
- In 1993, the Tribe requested that the Fort stop cutting trees along the river banks because of the impact on the riparian environment, which would ultimately affect the salmon and the hatchery. There have been agreements to protect the camas plants and traditional graveyards. Hunting, fishing and gathering rights and the protection of sacred sites were the primary issues dealt with during consultations in 1994.
- The established relationship between the cultural resources staff and the Tribe, allows many issues to be resolved without conflict. Consequently, after informal consultation meetings, the Fort stopped running tanks through streams that are part of the salmon recovery project and stopped leaving casings and shells in the waterways.
- Sometimes an issue appears to be resolved and then, usually because of a lack of communication, it becomes an issue again. This is the case with Nisqually access to the hatchery through an unused gate at the far end of Ft. Lewis. Hatchery staff were given keys to the gate in the late 1990s. Using the gate saves several miles of travel. (During time of “war” or armed conflict, the keys get taken away.) On occasion, as happened a year or two ago, MPs will arrest Tribal members when they use their keys and head toward the hatchery.
- Issues surrounding noise levels have yet to be resolved, and discussions have been contentious. A good working relationship with a Tribe does not assure that there will be easy resolution to problems or that it will be possible to come to agreement or closure.
- The cultural resource manager and staff that had gained the respect and trust of the Nisqually left in 2001. The Tribe is very concerned about how this will affect their relationship with Fort Lewis.