**The Return of a River: A Nisqually Tribal Challenge**

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**Teaching Notes**

**Issue/Topics Case Includes:**

This case study examines the Nisqually Tribe’s role as a partner and leader in a multi-entity effort to restore natural conditions to the Nisqually River watershed east of Olympia in Washington State’s South Puget Sound region. It focuses on how the Tribe has forged its leadership and partnership role through a combination of cooperative partnerships and litigation reestablishing Northwest tribes’ legitimate role as resource managers.

**Learning Objectives:**

Students will:

* Understand the background of the Nisqually River watershed as a habitat for salmon and other elements of natural balance.
* Understand the context of the Nisqually River watershed as historic home and sustenance source to the Nisqually Tribe.
* Learn about the degradation of the Nisqually watershed over the past century and more, and especially how it has affected the Nisqually estuary.
* Be aware of the historic Boldt Decision as it related not only to asserting tribal rights pertaining to fishing, but also in the Nisqually gaining through it a management tool for dealing with habitat restoration that supports that fishing.
* Examine the Nisqually Tribe’s role in Nisqually habitat restoration through its leadership of the Nisqually River Council, the council’s Nisqually Watershed Stewardship Plan, and its role in watershed planning under the Watershed Management Act.
* Understand the magnitude of Nisqually River estuary restoration and the role of partnering in bringing it about, including efforts spurred by the Nisqually Tribe.
* Examine and discuss the underlying question of should the tribe use both litigation *and*  cooperation in resource management, as illustrated by the tribe’s strategy on the Nisqually.
* Observe how even a successful habitat restoration project can leave some stakeholders dissatisfied.
* Be able to strategize how any tribe might bring its historic and cultural holistic stewardship philosophies to bear in leading partnership efforts in natural resource management.

**Intended Audience:**

This case study is suitable for college undergraduate and graduate students at any level. It is an especially appropriate resource for classes in the areas of Native American studies, environmental studies, biology, natural resource policy, and public administration. It also should be appropriate for upper level high school classes dealing in general with these subject areas. The discussion questions undertaken here can be modified for high school classes at the teacher’s

Discretion.

**Implementation:**

This case study lends itself well to small group discussion followed by whole group amplification on the starting points elicited in the small groups. Groups of three to five students can be assigned several questions to discuss, with the task of presenting their discussion and conclusions to the larger class. A moderator can track and post salient points in each small group. The whole group can then examine the discussion questions in total for further input and conclusions. Modifications to this model can be made according to the size of the class. It also can be modified according to the length of the class session. It may work well as a two-class undertaking, with the first class session devoted to reading the case study and holding small group discussions, then the whole class taking notes on the small group summaries and being prepared to discuss them all at the next class.

**Discussion Questions:**

1. Were the man-caused estuary degradations over time a natural and justifiable result of non-native growth and development? Or is it reasonable to expect that a different path could have been pursued? How do you reconcile foresight and hindsight in a situation like this?

2. The Nisqually River habitat degradation and transformation to accommodate non-native growth and development also involved the increasing taking of non-native land. How does a tribe overlook the oppression and even illegality involved and later take not only a positive role, but even a leadership one in managing the resource restoration?

3. The Nisqually Tribe’s estuary restoration leadership was honored by having the longest restored slough there named for revered Nisqually leader Chief Leschi. What is the importance of tying past to present in giving context to current resource management efforts? Will this harkening to the past inspire and inform future efforts? How?

4. The Nisqually River Valley, as noted, has been home to the Nisqually Tribe for centuries, along with the iconic salmon and other flora and fauna nurtured there to sustain the Tribe in harmony with nature. What unique perspectives does this give the Tribe in addressing holistic restoration contexts and needs? How does a tribe communicate these perspectives to non-native partners and ingrain these attitudes and practices in those partners? How can they infuse these perspectives into the whole resource management process?

5. When the U.S. Army condemned roughly two-thirds of the treaty-protected Nisqually reservation in 1917, it was an illegal taking from the Tribe, but it protected the land from the degradation that befell the rest of the estuary and much of the whole watershed. Was this event therefore fortuitous in any way that we should now accept? If the government could “take” part of your reservation today for an ostensible societal good such as resource protection, what would be your stance? What would be your considerations?

6. Do you think the *U.S. vs. Washington* (Boldt) Decision was one that served the environment well in larger contexts beyond the tribal fishing rights issue at hand? How or how not?

7. Absent the Boldt decision, would tribes have had the context and drive to dedicate efforts to building up their management staffs and infrastructure, especially in natural resource management? How would this have come about?

8. Was the Boldt decision good for forever calling attention to the salmon as an historic tribal resource and spurring habitat management weigh-ins by the tribes, despite all the rancor it led to between them and other interests competing for this resource?

9. Seeing all that has happened in restoring the Nisqually watershed, was tribal leadership really pivotal, or would it have happened anyway?

10. The estuary restoration has many benefits to the natural order, but salmon habitat restoration looms very large and key among them. Given the costs, and other possible uses of the watershed, is there ever a point at which the question should be asked, “What’s more important, salmon or people?” Why or why not? What are the implications?

11. In pursuing the dual strategy of cooperative partnering and using litigation to force the habitat management and restoration necessary in a situation like this? What are the pros and cons? How is the balance best achieved? Just what should the balance be?

12. Ultimately, when and why should tribes sue and when should they pursue cooperation? When does it make sense to fight your neighbors in the watershed – even if you are historically in the right – and when does it make sense to work together?

13. Is/was the Nisqually Tribe an obvious candidate for leadership of a partnership effort? What makes it so? What does it bring to that position that other stakeholders might not?

14. The case study cites at length examples of the magnitude and high degree of the Nisqually River estuary restoration to date. The Nisqually Tribe’s natural resources director calls it “amazing.” Could so much have happened there in the past dozen years without a widespread partnering effort? If not, why not? What do you see as the core energies and drivers of such partnerships? With their large number of participants and stakeholders, how do they not get bogged down?

15. In addition to more than a century of settlement and development-related degradation in the estuary, something as big as conversion of the estuary to a mega-port facility in the 1970s might have forever doomed and precluded the restoration effort seen today. How would that be at odds with the tribal history and values in this region? Would it have been justified in the “march of progress?”

16. The Nisqually River estuary restoration has removed some farmland, duck hunting areas, and a popular five-mile hiking trail along a now-demolished dike, though other amenities such as a boardwalk have been created. How do you rationalize the things lost to their stakeholders?

17. How does the Nisqually River restoration effort and the tribal involvement in it serve as an object example for any tribe to pursue a similar course elsewhere in natural resources management? What are the lessons learned?

**Questions for Discussion Based on Additional Research:**

1. Go to the Nisqually River Council web site: <http://nisquallyriver.org>., to access the Nisqually Watershed Stewardship document. Read and discuss the sections on “Path to a Sustainable Watershed and Involved Community,” pages 17-19. What do you think it takes to create a workable path to a sustainable watershed? What do you consider an involved community to be and how would you foster it?
2. In the *Nisqually Watershed Stewardship Plan*, go to pages 20-34, where the major categories of the plan’s actionable items are explained, each with current actions, longer-term goals and objectives, and long-term vision. How realistic are these vision statements in your opinion? Why or why not? How well do they include what you would see as a tribal vision for the particular item? Create alternate vision statements of your own.
3. Go to the *Reflections on the Water*: *Conversations about the Salish Sea* website: <http://salishreflections.wordpress.com/2010/07/20/welcoming-back-the-tides-in-the-nisqually-delta-with-jean-takakawa>. Read and reflect on the interview with Nisqually Wildlife Refuge Manager Jean Takekawa concerning the estuary restoration. What additional questions would you ask her?
4. At the *Reflections on the Water* web site, go to the link to the University of Washington lecture (at the bottom of the page) on the importance and function of estuaries. Discuss the lecture. How might it apply to what you have learned about the Nisqually estuary and its restoration? How would you assess the worth of the cost of estuary restoration (e.g., $12 million in the refuge area), vis-à-vis the benefits to the natural order?

**Questions for Research Papers:**

1. Find an example of another tribe that has addressed a major resource management and/or recovery effort in partnership with non-Indian entities. How did the tribe exercise its role, take or not take leadership, and bring its tribal culture, history and identity to bear in forging and influencing the partnership? An example might be the way the Tulalip Tribe worked with dairy farmers to convert cattle wastes polluting the Snohomish River into biodiesel fuel and compost.
2. Capitol Lake in Olympia poses some of the restoration challenges that the Nisqually estuary did. It is currently in a degraded state (sedimented, highly acidic and clogged with invasive plants and mud snails), but it could be a vital natural estuarine area. Should this once-natural impoundment of the Deschutes River be restored and returned to an estuary state? There are strong advocates on both sides of the question. What kind of partnerships would be needed to accomplish this? How might competing interests be made cooperative?