3.2 **OLD MUKILTEO TOWNSITE (45SN404)**

A portion of the eastern end of the Tank Farm property was assessed for cultural resources in 2005 as part of environmental studies for the Port of Everett’s Satellite Rail/Barge Transfer Facility (Schumacher 2005). No cultural resources were identified during the survey and, because of previous disturbance and depth of fill in the area, none were expected to be encountered during construction. The U.S. Army Corps of Engineers (USACE), however, the lead federal agency for the project, recommended archaeological monitoring of construction excavation, due to sensitivity of the underlying landforms for pre-contact Native American sites and early historical period activity. Monitoring occurred in 2006, and two buried historical archaeological sites, 45SN404 and 45SN398, were identified in the area (Shong 2006a, 2006b).

Site 45SN404 was encountered for the Port of Everett/USACE project. Observed historical materials included deteriorated lumber, burned brick, and historical artifacts, remains identified through historical research as the Crown Lumber Company store and butcher shop (Miss et al. 2008; Sanborn Fire Insurance Map 1912; Shong 2006b).

Later in 2006, archaeological test excavations were conducted at the site, also part of the Port of Everett/USACE project, to evaluate the property’s historical significance. During these investigations historical period fill overlying the site was mechanically removed and a 20-inch-wide L-shaped trench, 32 feet in length, was hand excavated in the location of the former store. Below the undifferentiated fill was a discrete charcoal-rich layer that included abundant artifacts consistent in style and date with operation of the store between about 1900 and 1938. A layer of brick and mortar was found beneath the burned layer, and below that a layer of deteriorated dimensional lumber, identified as remains of a wooden deck that supported the building over the marsh (Shong 2006b). A site form and a determination of eligibility form, recommending the property eligible for listing in the National Register of Historic Places, were completed and submitted to the Washington Department of Archaeology and Historic Preservation and the USACE (Shong 2006b; Miss and Shong 2006b).

More extensive investigations—further testing and data recovery—were conducted at the site between 2006 and 2009, part of environmental studies for WSF and investigations completed prior to removal of an area that was subsequently leased to WSF (Ferland et al. 2010; Miss et al. 2006, 2008; Rinck and White 2008). These studies recovered valuable information regarding the early Mukilteo commercial district and expanded site 45SN404—by then characterized as the Old Mukilteo Townsite rather than the Crown Lumber Company Store (Figure 37).

**Research Domains and Questions**

To be eligible for listing in the NRHP, historical cultural resources must demonstrate integrity and relevance to questions posed by historical archaeologists. Data from archaeologically identified features and artifacts are integrated with historical records to address current historical archaeological research questions. Four research domains and associated questions were identified for site 45SN404 prior to the 2006-2007 studies. These are summarized below.
This image has been redacted.
**Chronology and Site Formation:** Euroamericans may have made occasional use of the Mukilteo berm before Frost and Fowler filed claims in 1858, and it is possible that some evidence of such activity may be found. More likely, however, is evidence of the Bay View Hotel and other later nineteenth century buildings. The original and later buildings were built on pilings over, or on the shore of, the tidal marsh. Specific questions and goals of the research include:

- Are there structural remains and other artifacts that pre-date 1900?
- Is there evidence of building removal that pre-dates the Crown Lumber Mill?
- Is there evidence of the Crown Lumber Mill?
- What are the effects from mid-twentieth century fill placement on artifacts and structural remains?
- Is there evidence of any natural or human-induced disaster, e.g. floods, fires, or earthquakes?

Data classes that may be applied to these questions include site foundations and structural features, time-sensitive artifacts and assemblages, historic maps, photographs, and written and oral testimony.

**Trade and Commodity Flow:** When first settled, British presence in the region was strong and was supplied through Victoria or Ft. Vancouver. Dependence on American goods shipped through Portland and Seattle probably increased through time, especially after the settlement of the US-Canadian border in 1846, although the British did not leave the San Juan Islands until 1872. Logging in the 1860s centered on the Snohomish River and brought more prosperity to Mukilteo. With its deep-water harbor, Mukilteo became a stopping place for ships traveling up and down Puget Sound and for travelers intent on catching a river steamer inland to Snohomish City. Mukilteo was a fuel station, a freight transfer point, and by 1877 the home of the first salmon cannery on Puget Sound and an important center for loggers and settlers. Specific questions and goals of the research include:

- Is there evidence amongst the artifact assemblage for British or American origin?
- Is there evidence of the fluctuating population in Mukilteo before the lumber mill arrived?
- Is there evidence of early trade with Indians?

Data classes from the site that may be applied to these questions include artifacts with identifiable trademarks, features such as dumps and privies, and historical records.

**Foodways:** Composition of meals, methods of preparation, menus, and ways of serving are expected to change through time as Mukilteo became increasingly linked to a regional social and economic network. Use of local foods, for example the abundant salmon of Possession Sound, may have gradually tapered off, but never ended from the mid-nineteenth to mid-twentieth century. More direct participation in a market economy characterized by increase in more prepared foods may be evident with the arrival of railroad links to Seattle. Such changes may be particularly evident in remains associated with hotels where meals were served. An international cosmopolitanism may even have been present. Specific questions and goals of the research include:

- Is there evidence of changing use of local game, fish, or plant food?
- What use was made of preserved foods, condiments, and other commodities?
- Is there evidence of ethnically or culturally distinctive meals, meal preparation, or serving, e.g. Chinese, Japanese, Scandinavian?
Data classes from the site that may be applied to these questions include identifiable food containers, faunal and botanical remains, features such as dumps and privies, and historical records.

Social and Economic Status: Earliest assemblages are expected to reflect a more egalitarian social structure than later ones when the town was well established and supported by the lumber mill. Settlement that included families appears to have been relatively early, with the Fowler family settling at Mukilteo in the 1860s, but many of the occupants of the region were men who logged or fished and came to town to visit the saloons. The Mukilteo vicinity also has a long history of Asian settlement. The first canny on Puget Sound was established here in 1877 and in 1887 a new cannery and wharf were installed that employed Chinese labor. The Mukilteo Lumber Company mill attracted many Japanese workers so that by 1905 the population of Mukilteo numbered approximately 200 Euroamericans and 150 Japanese (Whitfield 1926:590). The Crown Lumber Company constructed a small housing complex for its Japanese workers along lower Japanese Gulch. Specific questions and goals of this research include:

- Are women and/or children represented in the artifact assemblage?
- Do styles of construction or artifact assemblages change with shifting community prosperity?
- Are there artifacts or food remains that can be used to characterize economic status and used to compare Old Mukilteo with other working and rural communities of the period?
- Is there cultural material that reflects the presence of Asian individuals or an Asian community?

Data classes that may be applied to these questions include artifact assemblages with status-diagnostic materials (e.g., ceramics, personal adornments, intra-site comparative collections), faunal remains suggesting relative economic differences (e.g., more or less desirable portions of meat, from the perspective of different ethnic groups), and historical records.

Geoarchaeological and Archaeological Field Studies

Test trenches and mechanical borings completed as part of the 2006-2007 investigations identified historic remains in an area extending approximately ___________ (Figure 16, Appendix B). Archaeological methods were identical to those described for 45SN393. The historic debris, as a whole, represents a portion of Mukilteo’s business district dating from at least 1880 to 1940, although a date as early as the 1860s is possible based on the settlement history of Mukilteo and the manufacturing dates for some of the recovered artifacts (McConnell 1977).

Vertical and Horizontal Distribution

Historical cultural material was noted in four backhoe trenches and several of the cores (see 45SN393 stratigraphic discussion above). Artifacts were collected from two of the trenches and combined with the previously collected material to characterize the site. With the majority of the material coming from the original discovery and ___________ the most basic partition of the artifacts is by position above or below the Crown Lumber Company decking.

In ___________ a historical debris layer was noted between ___________ below the surface (fbs) ___________ (__________) and ___________. The debris layer was inundated by the water table soon
after exposure, although brick and dimensional lumber were observed. In [redacted], a historical debris layer was noted between [redacted]. The debris consisted of partially burned dimensional lumber and a small amount of vessel glass and earthenware ceramics. The associated matrix was heavily disturbed suggesting the deposit represents demolition debris. Persistence of buildings in photographs at this location suggests the demolition was part of the U.S. Army's World War II-era site preparation. In [redacted], the Crown Lumber Company decking, piles, and possibly other structural debris were found [redacted] capping approximately 8 inches (20 centimeters) of charcoal-stained silt intermixed with historical debris. The underlying historical debris consisted primarily of whole and fragmented bottles, vessel glass, earthenware, porcelain, and sawed mammal bones. In [redacted], a thin layer of burned structural debris, dominated by tar paper, cardboard, a cluster of several hundred 16-penny wire nails and several 3/8-inch-thick shiplap boards, ceramic tube insulators, white glass (melted), and red brick fragments, was found between [redacted]. This material may represent the south wall of the Crown Lumber Company store.

Analyses

Artifacts
Artifacts were classified by material and form (Table 14). Historical materials were examined to identify details of manufacture, function, and age. Faunal materials were subjected to a separate analysis.

Ceramics
Ceramics are divided into three distinct categories based on material: earthenware, porcelain, and stoneware. Earthenware is a large category including a variety of different ware body types ranging from porous,
unrefined earthenwares to vitrified ironstone (Mullins 1988). The majority of these wares were glazed to prevent the absorption of liquids into the vessel and also for decoration. The earthenware class is dominated by white-bodied, refined wares, mostly whiteware and ironstone. The porcelain class is comprised of extremely dense, white-bodied, non-porous wares and does not differentiate between hard or soft-paste types (Mullins 1988:14). Porcelain artifacts are the second largest category of ceramics at this site. Stoneware items are dense completely vitrified wares, often made from unrefined pastes. Stoneware artifacts are the least common ceramic category at this site and are associated with slip or salt-glazed utilitarian vessels like storage pots, jugs, or crocks (Mullins 1988:45).

Earthenware at this site mostly consists of tableware items. Decorated plates and saucers in this collection incorporate a variety of techniques including transfer-print, gilding, and decals, all of which were common at the end of the turn of the twentieth-century (Mullins 1988) (Figure 38, d). Gilded vessels in this collection are items with one or two bands of gold that were applied via a liquid mixture of gold and other precipitates. The result after precipitation is a delicate ring of gold that appears around the rim of previously glazed vessels (Mullins 1989:11) (38, b). Gilded ceramic sets had a mid-ranged retail price when compared to other ceramic tableware sets (Montgomery Ward Company 1969:531). Decalcomania is a printing method that involves placing a color decal on a glazed vessel and was first introduced in 1892 (Mullins 1988:34). This technique can produce very detailed designs and appears on virtually every vessel form manufactured during the twentieth-century.

Identified maker’s marks indicate that most ceramics here were manufactured in England at the turn of the twentieth century (Table 15). The trend away from European ceramics did not occur in the United States until the early twentieth century (Wegars 1982:2-3). The only identified domestic ceramic artifact was manufactured by the W.S. George Pottery Company (Figure 38, a). This company was founded by William Shaw George, a producer of semi-porcelain tablewares, who also owned other potteries throughout Pennsylvania and Ohio in the twentieth century (Lehner 1988:162). This mark was used between the 1930s and 1940s.

Table 15. Identified Ceramic Maker’s Marks.

<table>
<thead>
<tr>
<th>MANUFACTURER</th>
<th>LOCATION</th>
<th>PRODUCTION DATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>W.S. George Pottery Company</td>
<td>East Palestine, Ohio</td>
<td>late 1930s to 1940s</td>
</tr>
<tr>
<td>J. &amp; G. Meakin, Ltd.</td>
<td>Hanley, England</td>
<td>from 1890</td>
</tr>
<tr>
<td>John Edwards</td>
<td>Staffordshire, England</td>
<td>c. 1880-1900</td>
</tr>
<tr>
<td>R.H. &amp; S.L. Plant, Ltd.</td>
<td>Staffordshire, England</td>
<td>from c. 1898</td>
</tr>
</tbody>
</table>

European “bone china” and hard-paste Chinese and Japanese porcelains are primarily blue, transfer-print items and are a mixture of tablewares and decorative items. None of the decorative motifs on these artifacts has been identified. Porcelains are a small portion of this assemblage, perhaps because they cost more in the United States than English imports. Porcelains have historically been considered more desirable and exotic than other ceramics (Mullins 1988; Herbert and Schiffer 1975).
Figure 38. Selected ceramic artifacts from site 45SN404.
Unrefined stoneware fragments primarily represent utilitarian storage vessels and were affordable because they were manufactured locally. Stoneware at this site is rare and represents a small number of crocks or food jars. As glass and metal manufacturing techniques improved during the nineteenth century, stoneware vessels were largely replaced (Greer 1999). By the twentieth century, stoneware jars were all but extinct in large-scale food manufacturing.

Glass

Glass artifacts represent the largest portion of this assemblage and can provide valuable information about product consumption, manufacturing techniques, and trade networks. Most of the glass (57.1%) is from various bottles, mostly medicines, beverages, and extracts. The largest percentage of glass fragments (60.1%) are colorless or aqua-colored vessels, including storage jars, soda bottles, extracts, medicines, and unknown vessels. Green, olive, and brown vessel glass, typical of alcoholic beverages, comprise 25.6% of the glass assemblage. The remainder of the glass assemblage (14.3%) is a collection of canning jar lids, decorative items, buttons, or unidentified items.

Because glass artifacts were widely used in product packaging, they have the potential to provide valuable information on available manufacturing technology at the time of their deposition. Market forces also motivated the proliferation of glass vessels through a combination of demand for cheap bottles for products and development of the technological capability to fulfill this demand. Developments in glass manufacturing technology at the end of the nineteenth century eventually culminated in the automation of the industry in the early twentieth century (Miller and Sullivan 2000). Despite proliferation, bottles still retained enough value to be recycled by businesses and citizens alike and the bottle reuse industry was a thriving business in the United States into the twentieth century (Busch 2000).

Identifiable maker’s marks on vessel glass were analyzed in order to determine origins of these vessels and the date ranges of their manufacture (Table 16). All of the identified vessels from this site were produced domestically during the early twentieth century and many of these products were made locally. Most of the bottles have marks characteristics of fully automatic bottle-making machines, which became prevalent after the development of the Owens bottle-blowing machine in 1903 (Miller and Sullivan 2000:163).

Table 16. Identified Glass Vessel Maker’s Marks (Toulouse 1972).

<table>
<thead>
<tr>
<th>MAKER’S MARK</th>
<th>MANUFACTURER</th>
<th>LOCATION</th>
<th>DATES OF USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>“IO” in diamond</td>
<td>Owens-Illinois Glass Company</td>
<td>Clarksburg, West Virginia</td>
<td>1930-1963</td>
</tr>
<tr>
<td>Anchor and “H”</td>
<td>Anchor Hocking</td>
<td>Lancaster, Ohio</td>
<td>since 1938</td>
</tr>
<tr>
<td>“H” and “A”</td>
<td>Hazel-Atlas Glass Company</td>
<td>Wheeling, West Virginia</td>
<td>1923-1964</td>
</tr>
<tr>
<td>S.G.Co.</td>
<td>Possibly Seattle Glass Company</td>
<td>Renton, Washington</td>
<td>1905-1907</td>
</tr>
<tr>
<td>“NW”</td>
<td>Northwestern Glass Company</td>
<td>Seattle, Washington</td>
<td>since 1931</td>
</tr>
<tr>
<td>A.L. Van Valley</td>
<td>A.L. Van Valley Bottling Works</td>
<td>Everett, Washington</td>
<td>1895-1941</td>
</tr>
<tr>
<td>Everett Bottling</td>
<td>Everett Bottling Works</td>
<td>Everett, Washington</td>
<td>since 1902</td>
</tr>
</tbody>
</table>
Two artifacts (404-9 and 404-141) made for local soda bottling companies have been identified. One complete, colorless soda bottle (404-9) is from a vessel made for the Everett Bottling Works (Figure 39, c). This bottling facility was founded in 1902 by Peter Edward Misgen and Alexander E. Kick, who also founded the Sedro-Woolley Bottling Works in 1903 (Hensrud and Halford 1998:11). In 1906, Kick bought out the Everett Bottling Works, which also bottled the Angeles Brewing Company’s beer. It is unknown when this company stopped operation. Another fragment (404-141) is from a bottle made for the A.L. Van Valley Bottling Works of Everett. This company was founded by A.L. Van Valley in 1895 and operated until his death in 1941 (Hensrud and Halford 1998:18).

Two other artifacts were made by nearby glassworks. A complete, brown bottle (404-22) bearing the mark “S.G.Co.” was possibly made by the Seattle Glass Company of Renton, Washington, although other glass companies also used this mark (Whitten 2004). This glass factory operated between 1905 and 1907 and was known to produce brown beer bottles. Another complete, brown bottle (404-21) was made by the Northwestern Glass Company of Seattle (Figure 39, a). This manufacturer has been in operation since 1931 (Toulouse 1972:390-391).

By the twentieth-century, glass manufacturing was becoming increasingly dominated by large, national conglomerates. The Owens-Illinois Glass Company was founded in 1929 and is an example of conglomeramation of the glass industry during the early twentieth-century. Through consolidation and incorporation of smaller glass companies, the Owens-Illinois Company operated twenty plants in the United States by the 1930s (Lockhart 2006:23). A complete glass vessel from this site (404-15) was manufactured by Owens-Illinois and bears a coded maker’s mark that can be traced to the specific factory within the Owens-Illinois group (Figure 40, a). Based on its maker’s mark, this vessel was made at a plant in Clarksburg, West Virginia in 1936 by bottle mold number 4 (Lockhart 2006:23; Toulouse 1972:403). A brown half-pint liquor bottle (404-23) was manufactured by the Anchor-Hocking Glass Corporation (Figure 39, b). This company was formed through a merger between the Anchor Cap Corporation and Hocking Glass Company during the 1930s and has continued consolidation of other glass manufacturers throughout the twentieth century (Toulouse 1972:46-49). The mark on this vessel has been used since 1938.

A colorless extract bottle embossed “J.A.F&CO.” (404-36) contained product made by the J.A. Folger Company of San Francisco (Figure 41, b). The Folger Company was founded in 1850 and was known for its spices, extracts, and flavorings prior to 1929 (Toulouse 1972:274). This particular mark was used between 1900 and 1929. Today, this company is best known for its coffee. Another colorless bottle is embossed “3 in One Oil Co.” (404-10) (Figure 41, c). The date of this vessel is unknown, but the manufacturer is known for its lubricant oil and is still in operation today.

Metal

Few metal artifacts were collected. The ten nails in this assemblage were collected as representative of the many observed. Of these are three square, cut nails and five are round, wire nails. Steel cut nails, which are generally square-shaped, came to replace wrought iron cut nails during the 1880s and 1890s as steel manufacturing technologies improved. Steel wire nails were invented in the 1860s but did not come to dominate the market until the 1920s (Wells 1998:87). A pocket watch of unknown origin (404-105) is also among recovered metal artifacts (Figure 42, b). Pocket watches of similar size and shape are advertised in the 1895 Montgomery Ward catalog and were widely available by the end of the nineteenth-century (Montgomery Ward Co. 1969).
Figure 39. Selected large bottles from site 45SN404.
Figure 40. Selected other glass artifacts from site 45SN404.
Figure 41. Selected small bottles from site 45SN404.
Figure 42. Selected leather and metal artifacts from site 45SN404.

**Leather**

A total of twelve leather fragments was recovered, all of which are from decayed shoe soles. The pegging of these shoes was done by machine based on the symmetrical distribution of metal shoe nails or screws, also called pegs (Anderson 1968:59). One shoe sole has visible cupric alloy screws along its exterior margin where the sole was attached to the upper (Figure 42, a). This manufacturing technique was first patented in 1862, but was not perfected until the 1880s and remained popular into the early twentieth-century (Anderson 1968:59).

**Other Artifacts**

The remaining 21 artifacts include various items that did not readily fall into other categories. Five lightbulb bases with glass cathodes were recovered along with a lead fishing weight and, possibly, a small grinding stone. The light bulb was first invented by Edison in 1878 and was improved throughout the end of the nineteenth-century. While the date of this style of light bulb is not known, electricity for Mukilteo was provided by the lumber mill and these bulb fragments indicate that electricity was available in this area of town.
1 Brick
Bricks found within the burned layer were traced by their trademarks to brick manufacturers that were in operation at the time that these stores were constructed (Gurcke 1987:74) (Table 17). Most were probably brought to Mukilteo as ballast on sea-going ships.

Table 17. Origin of Identified Bricks.

<table>
<thead>
<tr>
<th>MAKER’S MARK</th>
<th>MANUFACTURER</th>
<th>LOCATION</th>
<th>DATES OF OPERATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Snowball</td>
<td>Derwentaugh Fire Brick Works</td>
<td>Swalwell, County Durham, England</td>
<td>ca. 1854-1935</td>
</tr>
<tr>
<td>T. Carr</td>
<td>Thomas Carr &amp; Sons</td>
<td>Newcastle-on-Tyne, England</td>
<td>ca. 1827-1965</td>
</tr>
<tr>
<td>M.T. &amp; Co.</td>
<td>Unknown</td>
<td>California</td>
<td>Noted in 1902</td>
</tr>
</tbody>
</table>

From Gurcke 1987:73-74

7 Faunal Remains
Faunal remains found near and below the wooden decking provide some indication of animal utilization along this historic commercial block of Mukilteo. A total of 42 bone fragments was recovered from the trench spoils pile amidst wooden planks and beams and historic artifacts dating primarily between the 1880s and 1930s. Of the 42 specimens collected, four were of fish, one of bird, and 37 of mammal. The mammal remains were primarily of domestic cow and sheep; fish were not identifiable to specific taxon. Full descriptive summaries and analysis data sheets are given in Appendix E.

The faunal assemblage from primarily contains the remains of domestic cow and sheep, from both finished retail cuts of meat and carcass portions of less utility. Also present in small numbers are deer bones and fish bones. The proximity of the Crown Lumber Company store and meat market and several hotels and restaurants, including the Bay View Hotel, to may account for the mixture of domestic animal parts. Deer bones suggest that hunting for subsistence or recreation persisted at the site.

Site Synthesis
The opportunistic collection of artifacts makes interpretation difficult; however, the property has discreet artifact assemblages above and below the Crown Lumber Mill decking. In addition, remains from the Bay View hotel, although not collected, were visible in the excavated trench. Other debris in boreholes and trenches suggests that additional historic cultural deposits associated with the older berm buildings are present. Material above the decking and associated with the original discovery appears to represent diverse activities ranging from possible store stock to use of the buildings after abandonment. Datable bottles suggest that the material from beneath the decking, where primarily hand blown artifacts were found, is older than that from above where bottles are machine made. Bottles and other glass vessels come from both national and local sources. Ceramics are both utilitarian and of higher quality, including a fragment of Asian porcelain. Most of the earthenware trademarks are English and date to the late nineteenth century. Preservation of the leather is encouraging for future recovery of this material class. The faunal material represents primarily domestic animals and restaurant and retail cuts that could be associated with either the butcher shop associated with the store or disposal from the berm buildings.
These archaeological excavations also provided information that revised the characterization of 45SN404 from representing only the Crown Lumber Company store to representing a portion of early Mukilteo’s commercial area. Boundaries of the site were enlarged to include remains associated with other commercial enterprises, and the Bay View Hotel and other early buildings built along the berm before the first Mukilteo lumber mill was established (Miss et al. 2008). The expanded site was also recommended eligible for the National Register of Historic Places under Criterion D because it contained suitable data classes and artifacts in sufficient quantities to address important research questions about the economic and social development of historic Mukilteo (Miss et al. 2008).

**Additional 45SN404 Studies**

Following 2006-2007 field studies, planning for the WSF Mukilteo ferry terminal project was put on hold. However, in the interim, an enlarged vehicle holding area was proposed for the existing terminal. These plans included demolition of, and construction of a stormwater infiltration pond. A cultural resources assessment was undertaken to determine the effects of building demolition and pond construction on cultural resources (Rinck and White 2008). The study included archival research and review of geotechnical data previously collected for other projects. The investigation concluded that excavation to a depth of for the proposed infiltration pond would likely intersect historical archaeological deposits associated with nearby site 45SN404, the Old Mukilteo Townsite. Subsequent backhoe excavation of two test pits verified artifact-rich deposits in (Rinck and White 2008).

Based on the results of these studies, the boundary of site 45SN404 was expanded again to include known and probable historical archaeological deposits. An updated site form was submitted to DAHP with this new boundary (White 2008). Information about the content and integrity of these deposits, however, was limited to observations in the test pits. Because relocation of the infiltration pond was not feasible, further archaeological test excavation was recommended to acquire sufficient information to evaluate the pond location as contributing or non-contributing to the significance of 45SN404 (Ferland et al. 2010).

Test excavations were undertaken in February 2009. The proposed pond area was stripped of most of its overburden and eight 1x0.5 meter test units were excavated. The test units established the presence of wood, metal and glass artifacts associated with a distinct layer that extended across the study area. The archaeological deposits could be correlated with features on early maps and the information used to address the early history of Mukilteo, prompting a recommendation for additional data recovery prior to project implementation. Data recovery was designed to include additional archival research, excavation of randomly and non-randomly selected 1x1 meter units, and combined analysis of the testing and data recovery results. Data recovery excavations at the proposed stormwater pond were conducted in July 2009, with 32 1x1 meter units, one 1x0.5 meter unit, and one 0.5x0.5 meter unit excavated. Monitoring of pond construction followed in August of that year.

The archaeological investigations provided physical evidence of the community’s history, supplementing and verifying existing written records. Results of the Old Mukilteo Townsite (45SN404) studies offer unique insights into the town’s early community structure, commercial systems, demographics, and lifeways, while recovery of a few clay tobacco pipe fragments and a bead may be evidence of the
3.3 JAPANESE GULCH SITE (45SN398)

The Japanese Gulch Site (45SN398) was identified in 2006 during archaeological monitoring of the Port of Everett/USACE Satellite Rail/Barge Transfer Facility project. The site is evidence of early twentieth century Japanese mill workers who resided in the racially segregated Mukilteo Japanese Gulch settlement (Shong 2006a; White et al. 2009). The site is a subsurface concentration of both Western and Japanese domestic material and architectural debris dating to the early twentieth century. The 45SN398A portion of the site was recommended eligible for listing in the NRHP under Criterion D, based on its potential to contribute important information about local and regional history.

In March 2007 Sound Transit, in preparation for relocation of railroad tracks and sub-surface utilities prior to construction of the new commuter rail station, sponsored archaeological testing at 45SN398A. The goal of the investigation was evaluation of the site's significance, that is, its eligibility for listing in the NRHP. Following removal of the overburden, twelve 0.5x0.5 meter test units were excavated. The test units yielded a variety of cultural material, including ceramic, glass, metal, and leather artifacts, structural remains, marine shell, and mammal bone. Testing results indicated that 45SN398A is a subsurface concentration of both Western and Japanese domestic material and architectural debris dating to the early twentieth century. The 45SN398A portion of the site was recommended eligible for listing in the NRHP under Criterion D, based on its potential to contribute important information about local and regional history.

Data recovery excavations at 45SN398A followed in June 2007, as mitigation for the adverse effect utility relocation would have on that portion of the site. Test excavations were conducted concurrently at 45SN398B to determine whether that part of the site contributed to eligibility of 45SN398 as a whole, a study related to the Port of Everett/USACE Rail/Barge Facility project. The 0.5x0.5 meter test units at 45SN398A were expanded into 1x1 meter units and additional units were excavated, for a total of 24 1x1 meter units and four 1x0.5 meter units. Thirty 1x1 meter units were excavated in 45SN398B. Archival research and interviews with knowledgeable informants were also completed, supplementing the archaeological studies. Additional information, including research domains and questions and project methods, are detailed in the project report (White et al. 2009).

The excavations yielded a wealth of information about the material culture of the early twentieth century Mukilteo Japanese community. The recovered artifacts indicate Japanese Gulch residents selectively adopted Western products out of convenience or necessity, but continued to buy available Japanese goods. Artifact data used in conjunction with historical records and ethnographic interviews provide insight into the everyday lives of Gulch residents, documenting a working-class community that turned its segregation and disadvantaged position into a source of social cohesion. Research questions focusing on the social and cultural aspects of information collected at the Japanese Gulch site were successfully addressed, laying the groundwork for further inquiries into the lives of Japanese immigrants prior to World War II. As a result of the archaeological investigations, 45SN398B was also shown to contain important historical information and was recommended as contributing to National Register eligibility of site 45SN398 under Criterion D (White et al. 2009).
3.4 Point Elliott Treaty Site (45SN108)

Research was undertaken in 2007 to search for better descriptions of the precise locations and events associated with the signing of the Point Elliott Treaty at Mukilteo (Miss et al. 2008). The Treaty caused extreme changes for Indian people by divesting them of their lands and establishing the reservation system. At the same time, the Treaty is a legal document that establishes the sovereignty of independent tribal governments, and it is a symbol of survival. Work associated with the Point Elliott Treaty included archival research, coordination with the signatory Tribes, and oral history interviews with knowledgeable tribal members. The following sections detail these investigations and the research results.

Historical Research

Archival research for the historical portions of this report, including the Point Elliott Treaty negotiations and the development of the Mukilteo townsite, was conducted in libraries and other repositories primarily in the region. Additional archival facilities in other parts of the country were also consulted for pertinent materials. Among the institutions visited in the region were the University of Washington Libraries, the Museum of History and Industry and the National Archives, Puget Sound Branch, in Seattle; the Western Washington University Libraries and the Washington State Archives, Bellingham; the Washington State Historical Society in Tacoma; the Washington State Archives and the Washington State Archives in Olympia, as well as the Washington State Archives branch in Bellevue. Other local or regional repositories with important collections included the Everett Public Library, the Mukilteo Historical Society, the Snohomish County Historical Society, the Snohomish County Clerk of Court, Assessor and Auditor’s offices, the Bellevue branch of the King County Library, and the Seattle Public Library. Repositories contacted outside the area with important collections included the Oregon Historical Society, Duke University Special Collections, Minnesota Historical Society, the New York Public Library, the Library of Congress, the Smithsonian Institution, and the National Archives and Records Administration in Washington, D.C. and Suitland, Maryland.

Initial research focused on original government records and reports of treaty negotiations as well as contextual information about the period. Government records included reports and other documents from the Bureau of Indian Affairs, Washington Superintendency and the Tulalip Agency, as well as additional documents from the Department of Interior, the Secretary of War, the Surveyor General and the Department of Interior, and the Adjutant General of the U.S. Army. Hearings conducted at local agencies as well as before Congressional Committees were also reviewed. The papers of individuals involved in the negotiations for the government, including Isaac Ingalls Stevens, Charles Mason, George Gibbs, and Frank Shaw, were also reviewed. Biographical information and correspondence of other participants in the treaty negotiations was also sought as well as census, probate, and civil court files.

Additional research focused on the perspectives of those tribes directly involved in the treaty process, i.e. the Indian tribes of central and northern Puget Sound, and their descendants. Information was found in court hearings and depositions for land claims cases and other legal proceedings as well as interviews conducted by anthropologists, historians, and other researchers interested in ethnography, ethnohistory, and linguistics. Each tribe signatory to the Point Elliott Treaty was contacted about archival resources and the availability of individuals willing to contribute oral interviews to the project.
The work of Vi Hilbert in transcribing and translating early interviews with tribal elders was of particular value. Other helpful material, including some additional interviews and legal documents, were found at the Suquamish Tribal Archives. Individual oral history interviews were recorded with Hank Gobin, Tulalip Tribes and Lora Pennington, Stillaguamish Tribe and unrecorded interviews conducted with Pat Brown, Stillaguamish Tribe and Leonard Forsman, Suquamish Tribe. Opal McConnell was interviewed about the history of Mukilteo. A more complete guide to the sources consulted for this project is found in Appendix A.

### Previous Documentation and Commemoration

The Point Elliott Treaty has been commemorated at least three times in the City of Mukilteo. In 1930 the Daughters of the American Revolution (DAR) erected a bronze plaque on a slab of granite to commemorate the Treaty at the corner of Lincoln Avenue and Third Street in Mukilteo. The monument, designated 45SN372 in the DAHP records, was listed on the Washington Heritage Register and National Register of Historic Places in 2004 for its association with the DAR and their Everett chapter. In 1953 the local post of the Veterans of Foreign Wars erected a concrete slab and wooden bench in the then Mukilteo State Park to commemorate the Washington Territorial Centennial and the Treaty. The plaque is now at the Mukilteo Lighthouse where a small museum is operated by the Mukilteo Historical Society.

In 1973 another marker was placed in the park by the Governor’s Advisory Council on Historic Preservation, Washington State Parks and Recreation Commission to commemorate the location’s listing on the Washington Heritage Register. This marker was designated 45SN108 and a National Register nomination was submitted for the Point Elliott Treaty Site based on this arbitrary location. The nomination was returned reportedly due to lack of integrity and lack of verification that the park location was the actual place the Treaty was signed (Kessler 2003). This plaque is also now at the Mukilteo Lighthouse.

### Point Elliott Treaty and Site 45SN108

Furs and other potential trade goods first brought outsiders to the Puget Sound region, but it was the prospect of claiming land that lured those who planned to stay. Soon after the Wilkes expedition explored the coastal Northwest for the United States in 1841, increasing numbers of American settlers began to cross the continent on routes first blazed by the fur traders. The Oregon Trail originally brought pioneers to the mouth of the Columbia River, where most then turned south toward fertile lands of the Willamette Valley. Transportation up and down the coast, whether by land or sea, was difficult, but by 1846 when a treaty between the United States and Great Britain established the 49th parallel as the boundary between their claims in the Northwest, settlement had already begun to expand into other areas. A group of landseekers had already moved northward all the way to the southern tip of Puget Sound, where they established a small community that later became the town of Olympia. With the settlement of the international boundary dispute others quickly followed, including a group that came north in 1850 on the brig Orbit, the first American merchant vessel to sail to Puget Sound. Soon additional early settlements developed at Steilacoom, Port Townsend, and on Whidbey Island (Evans 1899:299; Newell 1960:6-10; Bancroft 1890:2-3; 5-6, 15, 18-21).

Oregon had officially become a territory of the United States in 1848, but the Organic Act that created the territorial government nullified all provisional land laws. In 1850 Congress passed the Donation Land Act, which provided very generous land grants to current residents of the territory and encouraged even more migration to the region. When Congress created Washington Territory out of Oregon in 1853, it
also applied the provisions of the Donation Land Act to the new territory and extended it to settlers arriving as late as 1855. When the measure expired in that year, the government had granted about 1,018 patents in Washington territory representing approximately 300,000 acres of land (Johansen and Gates 1967: 231, 234, 249).

The growth of American settlement and the political changes brought about by territorial status also had a significant impact on the Native people of the region. Not only was there increased interaction with outsiders, but the Donation Land Act was put into effect so quickly that Indian titles to the land were rarely extinguished before land distribution began. When Washington Territory was created in March of 1853, Isaac Ingalls Stevens was appointed as the first territorial governor and also named ex officio Superintendent of Indian Affairs. Stevens had a mandate to make treaties with the indigenous inhabitants of Washington and extinguish their title to lands that American settlers had claimed. It was this duty that eventually brought him to the treaty grounds at Point Elliott in January of 1855 (Richards 1993:194-195).

**Background of American Treaty Policy**

Stevens was following a treaty-making process that had been part of the Indian policy of the United States for most of its existence. Americans had treated Indian tribes as sovereign nations existing within the boundaries of the country ever since their help was needed in the Revolutionary War. The Northwest Ordinance of 1787, passed by the Continental Congress, recognized that land would be a future source of conflict and promised that a fair policy would be followed and property never taken from Native peoples without their consent (White 1991:85-86).

This policy was tested in the 1830s when expansionists advocated removal of Indians living east of the Mississippi River to western lands, which were designated as Indian Territory. President Andrew Jackson sided with the expansionist views and allowed states to undermine tribal sovereignty by ordering forced removal. In two Supreme Court cases brought by the Cherokee, Chief Justice John Marshall ruled that Indian tribes were “domestic dependent nations” but still exempt from state laws. The decisions affirmed Indian sovereignty but also recognized that a protective relationship existed between the government and Native peoples. Removal was justified as the alternative to disappearance of these people (Prucha 1986:64-77).

The government’s idea that a separate and defined Indian country could serve as a protective mechanism quickly faded, however, as the United States acquired more territory in the West with more Indians to “protect.” Eager settlers heading to these new lands could not be easily controlled. By the late 1840s and early 1850s a new policy was evolving that attempted to use treaties as a means of setting aside a number of smaller “Indian territories” or “reservations”—lands reserved or carved out of the original holdings of an Indian group (Prucha 1994:235). As Western historian Richard White characterized the process: “American officials, in attempting to halt conflict between Indians and whites, prevent expensive wars, and open up land to white settlement, created reservations the way the survivors of a shipwreck might fashion a raft from the debris of a sunken vessel. Reservations evolved on an ad hoc basis as a way to prevent conflict and enforce separation of the races” (White 1991:90-91).

The Treaty of Fort Laramie in 1851 is usually cited as the starting point for the acceptance of the reservation system as an integral part of United States Indian policy. Commissioner of Indian Affairs George W. Manypenny, who came into office in 1853, was committed to the reservation concept as the
best means to civilize the Western tribes. He believed that the practice of removal could not continue and that the best policy for the United States was to establish smaller, but permanent, homes for Native groups on reservations. As a result, by early 1856 nearly 52 treaties had been negotiated, although a number awaited ratification by Congress (Prucha 1986:113).

Isaac Ingalls Stevens and the Washington Treaties

President Franklin Pierce selected Isaac Ingalls Stevens as territorial governor, which also made him the ex officio superintendent of federal Indian policy in Washington Territory, despite his lack of prior experience with Indians. Stevens, born in Maine, was a West Point graduate who had designed fortifications as a member of the Army engineering corps before serving in the Mexican War. After the war, Stevens became the assistant head of the Coast Survey Office with the opportunity to cultivate friendships among administration leaders in Washington, D.C. Excited by the prospects of international business and trade in the Pacific Northwest, Stevens, at the age of 34, applied for appointment as Washington's territorial governor and received confirmation in March 1853. Along with that position he also lobbied for a position as the head of the Pacific Railroad Survey, which Congress had authorized to study the feasibility of a northern route for the nation's first transcontinental line (Richards 1993:13, 27-30, 96-98; Stevens 1900:280-282, 285).

Stevens saw the railroad survey as a boon to his work in territorial government, calling attention to “the great influence which this exploration will exercise over the Indian tribes, the exceeding efficiency which it will give to me in discharge of my duties as Superintendent of Indian Affairs, and the interesting information which it will enable me to collect in regard to their numbers, customs, locations, history and traditions” (Stevens 1900:285). Indians were also one potential obstacle to the completion of the railroad, and once he began the survey, Stevens’ meetings with tribes along the route evidently gave him confidence in his own abilities to handle Indian negotiations. According to his biographer, "To the extent that Stevens had a philosophy of Indian-white relations, he assumed the superiority of European civilization and the necessity of moving the Indian from its path. He hoped the removal could be accomplished peacefully and that, during a period of benevolent care, the Indians could be educated to cultivate the soil and become productive, valued members of white society" (Richards 1993:191).

Yet Stevens was also aware of the discrepancies between the interests of settlers moving into the region and federal Indian policy, and the possible trouble that could result. At the time that Washington became a territory, the Commissioner of Indian Affairs George C. Manypenny had delivered a clear mandate to move Northwest Indian peoples as far away as possible from white settlement. As Manypenny argued: "With many of the tribes in Oregon and Washington territories, it appears to be absolutely necessary to speedily conclude treaties for the extinguishment of their claims to the lands now or recently occupied by them" (Richards 1993:196).

From the time of Stevens' arrival in Olympia, November 25, 1853, he made Indian affairs one of his highest priorities. One of his first official acts was to establish a court system, which was immediately overwhelmed by cases dealing with conflicts between Indians and settlers. Stevens also quickly made appointments of Indian agents, sending them out to impress upon their charges "the advantages of living at peace with the white man, of adopting his better mode of livelihood, and of securing the aid and protection of the Great Father in Washington" (Stevens 1900:450). Among the first agents was Michael Simmons, who was assigned to the Puget Sound tribes with two other early Washington pioneers, B.F. Shaw and Orrington Cushman, to assist with translation. Attempts to suppress the liquor
trade and to stop Hudson's Bay Company's trade with Native Americans were also parts of Stevens' agenda in the first months of his term (Stevens 1900:415).

Stevens was convinced that the reservation model represented the best alternative for Indians of Washington Territory, even though Congress had turned down treaties authorizing reservations in California and Oregon just prior to Stevens' arrival in the Northwest. Congress had rejected treaties made in 1851 and 1852 by Anson Dart, Stevens' counterpart in Oregon, for example, because they provided for many reservations lying close to Euroamerican settlements. After less than a month in the territory, Stevens wrote Commissioner Manypenny that he considered the need for treaties to purchase Indian land of supreme importance, believing that grouping of Indians on government-supervised reserves would help to quicken the pace of settlement in the region. Many of his efforts were hampered by problems of funding, and memorials made to Congress about the lack of money initially failed to garner any support. Stevens made a trip back to Washington, D.C. in the spring of 1854 to deliver his railroad survey report and to gather his family to return with him to Washington. During this visit he also lobbied influential officials for additional money to carry on Indian negotiations (Richards 1993:195; White 1972:55-57; Stevens 1900:430-432).

Manypenny had already paved the way for these appropriations, arguing that Congress had encouraged settlement in the region and yet had not extinguished Indian title, thus resulting in "the murder of white settlers, and in hindering the general growth and prosperity of the civil communities of these territories" (Manypenny to Secretary of the Interior, February 6, 1854, in Richards 1993:197). Congress authorized the expenditure of $45,000 for treaty negotiations west of the Cascades as well as another $100,000 for treaties with tribes east of the mountains. Stevens was appointed as the treaty commissioner for these negotiations (Coan 1922:12-13; Stevens 1900:431-432).

As commissioner, Stevens received instructions that treaties should concentrate Indians on "a limited number of reservations or on contiguous reservations, in a limited number of districts of the country apart from the settlement of the whites" (Washington Superintendency, Mix to Stevens, August 30, 1854). The Indian office also ordered Stevens to begin his negotiations with groups who had the greatest contact with whites or who might present the most problems. In a letter dated September 16, 1854, Stevens assented to this plan, but argued that the new reserves should have room to accommodate agriculture, individual land ownership, and the particular needs of each tribal group:

It is obviously necessary that a few reservations of good lands should be set apart as permanent abodes for the tribes. These reservations should be large enough to give each Indian a homestead, and land sufficient to pasture their animals, of which land they should have sufficient occupation. The location and extent of these reservations should be adapted to the peculiar wants and habits of the different tribes. Farms should be attached to each reservation, under the charge of a farmer competent fully to instruct the Indians in agriculture, and the use of tools. I would express the hope that the administration of Indian affairs in this new and interesting field may illustrate, not so much the power as the beneficence and paternal care of the government. (Records of the Washington Superintendency [WA Superintendency], Stevens to Mix, Sept. 16, 1854, microfilm University of Washington, Seattle).
Preparation for Negotiations

When Stevens returned to Washington Territory he immediately began to set in motion the treaty-making process. He organized a commission to develop treaty plans, calling its first meeting in early December 1854. Members of the group included Puget Sound Indian agent Michael Simmons, George Gibbs as surveyor, James Doty, who was named secretary, B. Frank Shaw, interpreter, and Hugh Goldsborough as commissary. Simmons was one of Washington's earliest pioneers, having settled near modern-day Olympia, Washington, in 1845 after crossing the Oregon Trail the previous year. Gibbs, who was educated at Harvard, had made a study of Indian groups as part of the Pacific Railroad survey and according to the Pioneer and Democrat, the region's early newspaper, he and Simmons "understand the Indian character and can do more with them than any two other persons in the Territory..." (Pioneer and Democrat, March 10, 1854). Frank Shaw, as described by Stevens' son, Hazard, was the primary translator, "the only man who could make or translate a speech in Chinook jargon offhand, as fast as a man could talk in his own vernacular" (Stevens 1900:453). Goldsborough, an educated pioneer and brother of a well-known naval commander had lived in Washington long enough to understand Indian relations as did Doty, the son of a former governor of Wisconsin, who had studied the Blackfeet at Fort Benton as part of the railroad survey (Stevens 1900:453).

During their initial meeting, the group discussed the treaties already concluded with the Omaha, Otos, and Missouri. The Indian Office had supplied copies of the drafts of these documents as models for the Washington treaties. Of particular significance was the provision for future allotment of the land within these reservations in individual lots to Indians who were "willing to avail of the privilege." Gibbs, who was charged with drawing up a preliminary format for the treaties, incorporated this provision into a draft document. He also included elements of the group's lengthy discussion of reservation fishing stations, schools, and farms (Records of the Proceedings of the Commission to Hold Treaties with Indian Tribes in Washington Territory [Records of the Proceedings], December 10, 1854, Microfilm, University of Washington, Seattle).

Three days later Gibbs presented a proposal to the commission that contained fourteen articles, many of which would become key provisions in the upcoming treaty negotiations:

1. To cede all lands but to reserve for the tribes specified tracts;
2. To preserve the right of fishing at common and accustomed places;
3. To remove to reserves within a year of ratification or less;
4. To provide annuities in payment for cessions based on a dollar amount per Indian but presented in a lump sum;
5. To pay a bonus equal to the first year's annuity to enable them to move, build houses, etc.
6. To allow division of land and assignment of lots to heads of families;
7. To forbid annuities to be used to pay individual debt;
8. To agree to friendly relations with whites and with other Indians and to pay indemnities for depredations;
9. To allow no white men to live on the reservation and to give Superintendent power to force Indians to stay there;
10. To exclude liquor from the reservation;
11. To allow Indians to punish offenders according to their own law;
12. To free all slaves and end the slavery system;
13. To introduce an apprenticeship system and
14. To end trade on Vancouver Island and allow no foreign Indians on reservations.

(Record of the Proceedings, December 10, 1854,
University of Washington, Seattle)

First Treaty Proceedings

With this preliminary work completed, the commission decided to hold the initial treaty conference in late December with south Puget Sound groups, including the Puyallup, Nisqually, and Squaxin. The governor then instituted the process that was used to organize the rest of the treaty counsels around Puget Sound. Simmons and Shaw left Olympia to meet with the Indians, explain the purpose of the treaty and make arrangements for the gathering, which was to be held on the Nisqually Flats near the mouth of Medicine Creek. The government chartered a schooner owned by Captain E.S. Fowler to carry members of the negotiating team as well as treaty goods and supplies to various meeting points on the Sound. The commission was organized much like a military company and three well-known area residents, Sidney Ford, Jr., Orrington Cushman, and Henry Cock served as quartermasters. Among their tasks was preparation of the sites for camps and counsels as well as surveying for future reservations (Stevens 1900:454-455).

Stevens arrived at Medicine Creek on December 24, 1854, and on the following day explained the schedule and read a draft of the proposed treaty. On December 26th the council held discussions on the provisions of the treaty and the signing took place. Stevens was pleased with the outcome of the Treaty of Medicine Creek, which gave the United States title to 2,500,000 acres in return for three widely separated reservations consisting of a total of 3,840 acres. Some of the Indians had asked for more land, but the governor had remained firm, and discontent soon arose (Richards 1993: 210; Records of the Proceedings, Stevens to Manypenny, Dec. 30, 1854; Marino 1990:169, 171).

At the end of the council, Stevens met with the other treaty commissioners to determine their future course. Governor Stevens wanted to bring all of the Indians around the rest of Puget Sound together in one treaty session, and possibly locate them on a single reserve. Simmons, Goldsborough, and Gibbs disagreed, and after discussion, Stevens decided to hold one council for all the groups on the east side of the Sound. The date chosen was January 22, 1855, and the place at “the mouth of the Sno-ho-mish River.” A second council with the tribes on the west side of the Sound would be held at a yet-to-be-determined location a week later. Simmons, Gibbs, Goldsborough, and Shaw were designated to prepare for the treaty sessions and notify the Indians of the gatherings, while James Doty was sent east of the Cascades to make preliminary arrangements for councils in the spring with the inland tribes (Records of the Proceedings, Dec. 26, 1854, University of Washington, Seattle).

In all of the preliminary documentation, the location of the next council was referred to as the mouth of the Snohomish River. In a letter reporting on the first council, which Stevens sent to the Commissioner of Indian Affairs, George Manypenny, he also wrote, “The next treaty will be held at the mouth of the Sno-ho-mish River, where will be brought together the Indians of the Islands and the Eastern shore of the Sound... Every effort will be made to establish them on a single reservation on that reservation near the mouth of the Sno-ho-mish to provide for the agency (Records of Proceedings, Stevens to Manypenny, Dec. 30, 1854, University of Washington, Seattle).”
Point Elliott Treaty Events

Stevens returned to Olympia after the Medicine Creek council, but the other treaty commissioners made some preliminary surveys of reservations proposed in that agreement before heading further north to prepare for the next round of treaty negotiations. The following chronology of events related to the Point Elliott Treaty council is based on the Records of the Proceedings of the Commission to Hold Treaties with Indian Tribes in Washington Territory, which is a microfilm series of treaty documents compiled by the National Archives, and also from a transcript of the proceedings certified by the National Archivist in 1949. The description is drawn from these documents unless otherwise noted. Additional accounts of this period come from the manuscript journals of George Gibbs dated 1854 to 1855, the records of the Washington Superintendency, testimony in later court cases, and a few newspaper accounts.

Location and Preparation

Simmons and Shaw left the Medicine Creek site to notify the Indians of the North Sound about the next treaty negotiations. Shaw spent nearly two weeks, according to his own account, spreading the word about the next treaty council to the Lummi and other tribes (Shaw Affidavit, US, Hillaire Crockett and Captain Jack v. Alaska Packing Association, June 19, 1895, US District Court, Northern Division, at NARA, Seattle, WA). On January 5, 1855, Major Goldsborough traveled from Olympia to Seattle by steamer. On the following day Goldsborough proceeded to Skagit Head to pick up agent Simmons, but the wind was too strong to land and the ship “went round and anchored at Point Elliott.” Simmons came onboard on January 7th and he and Goldsborough sailed to Port Gamble, where they made arrangements for the Point No Point conference the following week. On January 8th they returned to Point Elliott, where they anchored. In his journal Gibbs notes on that date: “In afternoon left again for Skagit Head. Wind baffling & did not arrive till late in night off mouth of Sno-homish where we anchored behind point Elliott” (Journal of George Gibbs 1854-1855 (Gibbs Journal), Microfilm Z75, NARA, Seattle).

On Tuesday, January 9, 1855, Goldsborough selected a site for the camp and treaty grounds and erected tents there. Reports indicate that Patkanim and the Snoqualmie were already at the council site. On the following day, the goods were brought from the schooner anchored offshore and the party “went into camp” while Simmons and Goldsborough returned to Seattle by schooner to secure more goods and talk to the Duwamish, who wanted to meet in their own territory rather than on the treaty grounds. Gibbs in his journals mentions the evening of January 10th, he “went to see a doctor to ??/ tamahnous” (Gibbs Journal, Z75, NARA, Seattle). On January 11th, Benjamin Shaw arrived from Bellingham Bay, where he had contacted the Lummi and reported they were on their way to the council.

Despite early references to the treaty grounds as the mouth of the Snohomish River, evidence from treaty minutes and other letters and reports indicates that the location selected for the treaty council was, in fact, on or around Point Elliott. In a letter sent by George Gibbs to Governor Stevens, dated January 12, 1855, he places his location as “Camp on Snohomish Pt Elliott” (Washington Superintendency, UW, Seattle). The word Snohomish appears to be crossed out. In the letter he advises Stevens to come to the council grounds as quickly as possible since the Skagit and Snoqualmie had already arrived, the Lummi were expected within a day or two, and most tribes would be there by the following Sunday. Gibbs also indicates that he has surveyed the shore and not been satisfied with it as a potential reservation site. “I have been along the Sound shore from Point Elliott up. I don’t like the
country – tomorrow I go up the river side...” (Gibs to Stevens, Jan. 12, 1855, Washington Superintendency, UW, Seattle).

In the official reports of the negotiations for Friday, January 12, 1855, acting secretary George Gibs describes reconnaissance of the shoreline to the south and later north of Point Elliott. His accounts seem to suggest that he was using Point Elliott as his base of operations.

Jany 12th Friday: Mr. Gibbs with a party of Indians examined the shore of Admiralty Inlet from Point Elliott southward for some mile with a view to its fitness for a central reserve. The banks were found to be bluff with the exception of one of two small points and unfit for landing in canoes, an absolute requisite in choosing ground for the Indians. The country too was broken and very heavily timbered. In consequence it was deemed proper to turn the examination in another direction.

His journal provides additional detail:

...went up the main shore for some distance to examine the country. It is unfit for an Indian reserve with the exception of two or three small bottoms, as the bank is too bluff to land on & the country very high. The bottoms are narrow & filled with dense underbrush, rich ?? but dark from the steepness of the bluffs. Went down as far as where the old Indian trail leaves for the forks of the Snohomish & returned (Gibbs Journal, Z175, NARA, Seattle).

His excursions on the next day indicate that he went by canoe to survey the mouth of the Snohomish and land to the north:

Saturday Jany, 13th. The surveyor started in a canoe with Indians to examine the shore of Port Gardner and the mouth of the Snohomish. With the exception of the low flat at Point Elliott, which though very well suited for a single village, is not of sufficient extent for a general reserve, this shore does not afford a suitable location until reaching the mouth of the Snohomish, where a low valley extends to the river nor is this large enough for the purpose contemplated.

The transcription of the account may be in error here as the Gibbs journal entry for the same day appears to read:

Left in canoe to examine the mouth of the Snohomish river. The shore from point Elliott to the mouth is bluff with the exception of the flats on the two points which however do not afford any scope of ground for large settlements of Indians. From?? that part where the river turns northward from the bight it is but a short distance across to the Snohomish, and the Indians particularly called our attention to it. There is a marshy flat on the point where we saw one lodge... (Gibbs Journal, Z175, NARA, Seattle).

Gibbs also talks about the height of the river, indicating that the area around the mouth of the Snohomish was flooded, thus making it an unlikely site for the treaty sessions. “The river was at this time very high...its banks which are low and covered with a forest of spruce and cypress were flooded.” The anchorage at this site was also too exposed to the northerly winds at this time of year to be practical. On the following day, as the weather was better, Gibbs explored “the country on the creek entering this bay from the North East.” He believed that this area would make an “admirable situation” for a future reserve. On January 18th he also explored inland along the coast between Point Elliott and
the Snohomish “by penetrating some distance into the woods, the broken character of the country rendering the unfitness of the place certain.”

Later newspaper accounts of the treaty proceedings, based on reports conveyed to Olympia by Major Tompkins soon after the event, possibly indicate that during that period the two locations were considered virtually the same or that the Snohomish River may have been a more widely known landmark:

The first treaty was commenced and concluded on Monday, Jan, 22d, at Point Elliott, near the mouth of the Snohomish river.... (Pioneer and Democrat, Feb. 3, 1855).

**Proceedings**

While Gibbs was surveying, several other tribes had reached the treaty grounds. The Skagits under Goliah had arrived on January 12th and were greeted with great ceremony by the Snoqualmie: “Each party drew up on the beach in a single file and marched past the other saluting with the sign of the cross and taking off their hats. They then counter marched, and broke into knots to exchange news. The whole was done with much ceremony and appearance of respect.” In his January 12th letter to Stevens, Gibbs also observes “We are awfully pious and have divine voice every night, Patkanim and Goliah preaching.” The description in his journal further elaborates: “In the evening a large body of the Skagits arrived. After dark they had “divine service” in their camp singing and preaching. They sing very well as regards time and in the open air their songs or rather canticles have quite a good effect. The Indians are all at present in an exceedingly pious frame of mind and are evidently brushing up their religion for a grand display on the governor’s arrival” (Gibbs Journal, Z175, NARA, Seattle).

The Lummi and the Duwamish began to reach the treaty grounds on Wednesday, January 17th, and by Sunday January 21st when Governor Stevens arrived on the steamer Major Tompkins, all the expected tribes had settled in. Gibbs in his earlier letter to Stevens had mentioned the need for plenty of trade goods as “there will be a million Indians here” (Gibbs to Stevens, Jan. 12, 1855, Washington Superintendency, UW, Seattle). Estimates made in the official reports indicate that the number at the council reached 2,300 with another 700 women, children, and the elderly unable to attend. A contemporary newspaper account provides a slightly higher estimate of 2,500 Indians in attendance and lists those present as “the Snohomish, Skokomish, Duwamish, Queelewamish, Scawamish, Snoqualmie, Sakaquells, Scagets, Squinamish, Keekeallis, Sdoquachams, Swinimish, Nooksacks, and Lummy tribes” (Pioneer and Democrat, Feb. 3, 1855).

The minutes of the council suggest that the speeches, negotiations, distribution of presents and treaty signings lasted from Monday, January 22nd, to Tuesday, January 23rd, when Stevens struck camp. On Monday, Stevens addressed the assembled Indians as did Territorial Secretary Charles Mason, who accompanied him, as well as Michael Simmons. Treaty minutes suggest that the grounds were arranged with “the four head chiefs, Seattle, Patkanam, Goliah and Chowitshoot being seated in front, the sub chiefs in a second line, and the various tribes in separate groups.” Seattle, Patkanim, and Chowitshoot were the only recorded Indian speakers. The treaty was read, but the report indicates that Simmons and Shaw had already discussed its provisions with the chiefs and headmen. Shaw translated the English words into Chinook and a Snohomish man, John Taylor, translated to the Indians and then repeated their comments in Chinook to Shaw.
Treaty Promises

In his speech at the Point Elliott council, Governor Stevens addressed some of his goals for the treaty. As he told the assembled Indians: "We want to place you in homes where you can cultivate the soil raising potatoes and other articles of food and where you may be able to pass in canoes over the waters of the sound and catch fish, and back to the mountains to get roots and berries." (Records of the Proceedings, January 22, 1855, UW microfilm, Seattle). The Point Elliott Treaty, much like the Medicine Creek Treaty negotiated with the south Sound tribes, included provisions that the negotiators felt would accelerate the “civilizing” process as they envisioned it. The treaty encouraged farming, provided farmers and teachers to assist in the process, and offered annuities in goods rather than cash. The treaty also provided that the Indians could fish, hunt, and gather at usual places and mandated that the signatories end slavery, cease wars with other tribes, and prohibit alcohol on the reservations.

Unlike the Medicine Creek document, the Point Elliott Treaty included a provision for temporary reservations and called for the eventual removal of all Indians west of the Cascades to the Tulalip Reservation. This main reserve was to include thirty-six sections of land, and the document also established smaller reserves for the Lummi and Swinomish to the north and the Port Madison reserve across Puget Sound to the south. A specific monetary amount of $150,000 was promised in return for the cessions, and the Indians were also to be given remuneration for improvements they had to abandon as well as expenses for removal to their new homes. Notes on the proceedings indicate that these provisions were explained to those gathered at Point Elliott and that the treaty was signed on the same day (Richards 1993: 202-204; Marino 1980:169-171; Records of the Proceedings, January 22, 1855, UW microfilm, Seattle).

Newspaper articles from the period also provide general—and sometimes erroneous—information about the treaty location and proceedings. The Pioneer and Democrat, published in Olympia, mentioned the treaty process in an article of January 27, 1855:

Gov. Stevens took his departure from this place. On Saturday morning last, on board the Major Tompkins, for the purpose of concluding a treaty with various tribes who have been rendezvoused at the mouth of the Sawamish, emptying into Possession Sound about ten miles from Skadget Head—Through the energy of Col. M.T. Simons, sub-Indian agent, nearly the entire body of the Snohomish, Dawamish, Steilguamish, Skadget, Snoqualmie, Keekcallis, Swinomish, Samish, and Lummi tribes have been collected at the place referred to...The Indian department, under the direction of the Superintendent of Indian Affairs, is active and vigorous in its operations.

A later description of the council, published on February 3, 1855 in the same newspaper, further described the event and lauded the conduct of the proceedings:

The canoes, filled with the natives, as they approached the treat ground, was said to be imposing, and their inimitable and frail crafts, as having been manned with an order and precision that would have been creditable to a military evolution. They advanced along the quiet waters of the Sound in regular platoons, with the most perfect ‘dress’ and order, and wheeled into line, fronting the treaty ground, in admirable style.

Present of blankets, clothing, &etc, we are informed, were make [sic] to the chiefs, for distribution amongst all present, as well as for some 500 absent members of the tribes above
enumerated. At the conclusion of the treaty, a salute of 31 guns was fired by the ‘Tompkins,’ and
the business transacted to the satisfaction of all interested (Pioneer and Democrat, Feb. 3, 1855).

Native Perspectives

Indian accounts of the proceedings at Point Elliott present a different picture of the conduct of treaty
negotiations as well as both the immediate and long-term effects. The perspectives of the region’s
Indian people are gleaned from oral traditions within the tribes and interviews recorded after the event.
Sources include depositions for court of claims and other legal proceedings as well as field notes
recorded by anthropologists and other researchers and interviews more recently conducted with tribal
elders and historians.

Location and Preparation

First-person testimony on the location of the Point Elliott Treaty provides only very general information
on the site and the preparations for the negotiations. These accounts provide additional information on
the way Native groups prepared for the meetings with Governor Stevens and the other negotiators.
Some of the earliest testimony on this subject was recorded in the court case of State of Washington v.
Charles Alexis (1914), when Alexis, a Lummi fisherman, was arrested for salmon fishing during a closed
season. Several members of the Lummi tribe who had attended the Point Elliott treaty council provided
evidence about the background of the proceedings and the promises made. In response to the lawyer’s
questions, Lummi elder Henry Kwina’s responses were translated as follows:

Q. How long were you at Muckl-teoh at the time the treaty was made?
A. He said the Indians had gathered there, gathered a long time before he got there. They had
been a week or so gathered there when he got there, and he was there only four days until
Governor Stevens came along...

Q. How long were you there after the Governor came?
A. They came away the next day after Governor Stevens was gone.

Q. How long did Governor Stevens stay there?
A. Two days.

Q. How did Governor Stevens come?
A. He came in a steamboat.

Q. When Governor Stevens landed from the steamboat what was the first that was said with
reference to the purpose for which they were gathered?
A. The Indians they had gathered there, and we counted the number of tribes, and there were
about twelve or fifteen different tribes. The Lummi tribes among them. Before Governor
Stevens had come there they had all talked and planned as to what they were going to do, and
what they were going to say to Governor Stevens when he arrived. The chiefs and the leading
men all agreed they must hold on to their claims on every stream, each tribe would have a
stream of their own for fishing purposes, and their fishing locations, and that they must do their 
very best to make the Governor understand that when he comes to that point.

Q. What was done and what was said?

A. Governor Stevens was away up on an elevated place where everybody could see him....

[Testimony of Henry Kwina, State of Washington v. Charles Alexis, Superior Court #1720 May 27, 
1915:12-13).

The U.S. Court of Claims case of Duwamish et al. v. United States also contains testimony from Indians 
who had attended the Point Elliott conference. Several of those depositions, which were primarily 
recorded in 1927, referred to the experience of the narrators while attending the treaty council. Some 
mentioned that their people remained as long as ten days at the treaty grounds, and most provided very 
general location information, primarily referring to the treaty-signing site as Mukilteo. Almost all of 
those questioned remembered that the white people arrived at the site by boat (Deposition of William 
Hicks, March 2, 1927; Deposition of William Edwards, March 5, 1927). Charley Blowl of Swinomish, for 
example, who attended the conference as a “good-sized boy,” described seeing the ship come into 
anchor for the treaty council:

Question: How did the white men come there to Mukilteo?

Answer: When I came in to the point, I saw a boat anchored there.

Question: And you think the white man came on that boat?

Answer: I know that they must have come on that boat, because they used to go out to the boat 
and back to the shore when they were going to carry on their councils—coming from the boat to 
carry on their council.

Question: How many white men took part in the councils with your tribe?

Answer: I seen five white men at these councils, and I seen several white men out on the boat 

Another description of the preparation for and location of the treaty council was included in a series of 
interviews with Ruth Sehome Shelton recorded by Leon Metcalf in the 1950s. Mrs. Shelton, who was 
born just a year or two after the treaty council took place, was of Klallam and Samish ancestry and in 
1878 married William Shelton, later head of the Tulalip Tribes. In relating traditions about the treaty 
learned from her family, she first indicated that before the treaty negotiations took place at Mukilteo, 
the Indians already had many trade goods, primarily received from the “King George Hudson Bay 
Company” in exchange for furs. “It wasn’t because of the Americans that things were good in the 
beginning,” she said, “that people first got blankets, clothing, potatoes and this food” (Shelton 1995:17, 19).

According to Ruth Shelton, the treaty process began when the Bostons, as the Americans were known, 
came from across the sea:
The people gathered at Mukilteo.

My inlaw (named) xalb was sent to invite all tribes.

This one river belonging to the Skagits, they arrived at Mukilteo, and the Lummi, Swinomish, Skagits, skwədabš and the people upriver (and) the Samish. They all gathered there at Mukilteo and the Suquamish. They were there for a long time.

My inlaw used to say that they gathered there for fifteen days at Mukilteo. (Shelton 1995:18-19).

The Mukilteo location was said by many to be a common camping and gathering location for people of the area. As Ruth Shelton remembered: “We picked berries there at Mukilteo, there were lots of berries there” (Ruth Sampson in Vi Hilbert Collection, Acc 5401-001, Box 9, Notebook 3:30 UW, SC, Seattle, WA). Others like Louise Fowler Sinclair, the daughter of storekeeper Jacob Fowler and his Skagit wife, Mary, heard many stories about the treaty from other Indians, who continued to camp at the site on Point Elliott where her family settled a few years after the council. William Shelton, who later became a leader at Tulalip, also camped on the Mukilteo beach with his family as a young boy and remembered his first encounter with a pig, which was owned by the Fowlers (“Aged Indian Woman Recalls When Seattle Was a Village,” Seattle Times, Jan. 22, 1946; Shelton 1923:3-4).

In an account which may describe the treaty ceremony site at Mukilteo, Mrs. Shelton related the following:

...There at the water’s edge there was a nondescript sort of place (sort of house) with a temporary roof covering it. For VIPs to be while they spoke. There were lots of VIPs who arrived to speak.

They then named off those they said were the only chiefs. But this was not so.

They just were the speakers these three, Patqidb, skwə layʔəʔ, ččwicut. They were just the speakers of the treaty.

They just wanted to be sure that everyone took away correctly what Governor Stevens said. They called him Dukwibə.

(Ruth Sampson in Vi Hilbert Collection, Acc 5401-001, Box 9, Notebook 3:32-33, UW, SC, Seattle, WA).

Although there was little other specificity about the exact location of the treaty proceedings, Mrs. Shelton described where the Snohomish went to mull over the proposals made by Stevens. This interview was recorded in 1954 as the centennial of the Point Elliott council approached and thus the locations she mentions were related to new uses of the site by that time:
Next year it is said will be 100 years since the treaty, one hundred years from then next year.

They say they have made a park at the other end of Mukilteo.

That’s where the Snohomish went, where they camped. Where ləbšəltxəd went.

We were there last year.

Proceedings

Other accounts recorded by Native American informants include more general descriptions of the treaty council and perspectives on the atmosphere and conduct of the proceedings. Many of these perspectives differed rather significantly from those presented in official government accounts. Unlike the treaty minutes, which do not record any disagreements or discontent, the first-person memories of those Indians who attended the conference or the stories they passed on to succeeding generations include some indications of intimidation and threats. These accounts suggest that the mood of the proceedings was not always friendly and that among the attendees there were dissenters as well as others who were fearful or felt pressure to sign away their land.

The treaty commission included interpreters who could translate the proceedings into various languages. For the negotiations, Ruth Shelton believed that Governor Stevens brought Michael Simmons of Olympia to interpret for him and that John Taylor, who was the only one of the Indians to speak Chinook jargon, translated the treaty into Lushootseed. Once Taylor had made his translations, he was assisted by Patkanim, Chowitshoot, Goliath, and sdápiq in interpreting the words to the rest of the Indians at the council. Henry Kwina also mentioned the role that “the white man named Shaw” played in translation, but said that he and a few other Indians understood some Chinook that they had learned from traders and settlers. Shaw later maintained that he could speak the Indian language, but a number of members of the Lummi tribe who had attended the Point Elliott council were adamant that Shaw only spoke Chinook and that John Taylor was the primary translator for the tribes (Shelton 1995:21; Wright 1991:261; Testimony of Henry Kwina, State of Washington v. Charles Alexis, Superior Court #1720 May 27, 1915:14, 19-20; Affidavits of Frank Shaw, General Gaines, John Kwinooks, George Sknoughton in US, Hillaire Crockett and Captain Jack v. Alaska Packing Association, June 19-21, 1895, US District Court, Northern Division, at NARA, Seattle, WA).

Among the treaty attendees was Susan Dorsey, who was interviewed by Esther Ross on March 4, 1927 (sometimes cited as March 14), for the Stillaguamish as part of the early Indian claims cases (Ruby and Brown 2001:16, 255). Dorsey, who was of Stillaguamish and Skagit ancestry, recalled an atmosphere of intimidation as the Indians present were encouraged to join Stevens in voicing their approbation of the treaty. As she remembered:

I was just a girl of 13 years of age and was there at Mukilteo 1855 when the treaty was signed. I saw Governor Stevens and John Taylor was interpreter. There were lots of people there from all tribes, and lots of chiefs and sub chiefs. Governor Stevens told the Indians he would give them lots of money for their land. He told them to take off their hats and told them to call the same as he did “Hip Hip Hurrah,” while he waved their arms with their hats.
I saw large poles, several of them around in the ground. Hung on them were ropes and loops as if to hang people. So Indians were scared, they thought that if they didn’t do what Governor Stevens wanted he would hang them. (Cameron et al. 2005:37)

Aside from these visible reminders, other types of intimidation may also have been used. Oral traditions, which have been passed down to modern-day tribal historians and linguists, also suggest that extreme pressure may have been applied to bring some Indians to the negotiations or force them to sign the treaty. According to Lora Pennington:

I did hear that there was some kidnappings associated with this time, but only as accounts like that. There were some that had to sign because of threat to their families. But I’ve heard it in that sense, that it was not necessarily a voluntary process, and it was because of threats to the family.

But I have not heard ‘This family was threatened’ and ‘This family was cajoled,’ but that it was an atmosphere. There was an undercurrent of ‘There will be more bloodshed, and you have to sign if you’re going to protect your family.’

(Lora Pennington Interview, April 23, 2007:8).

The often vivid language that Governor Stevens used to reinforce his arguments for the treaty may also have contributed to that undercurrent. As one example, Bill Kanim, the nephew of one of the major headmen at the council, recounted: “Governor Stevens got a handful of sand and brought it and said, “That is the way white men will come and crowd the country here. And he said that you will reserve Tulalip and that will be your land” (Deposition of Bill Kanim, June 4, 1923, in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, folder 60:5).

Despite these possibly threatening or intimidating symbols of the government’s power, there were some attendees who resisted the terms laid out by Stevens. Ruth Shelton described the reluctance of many of the Snohomish, in particular, to be removed to a reservation that was a great distance from their homes. Whereas the official reports of the treaty conference mentioned nothing about dissent, Indian accounts suggest that there were many who were skeptical of Stevens’ promises or who rejected them entirely:

The leaders signed their names.

Thus their names are written in that Treaty Book (as) it's called.

And while the people were talking, ləbšiltəd said, “Oh, my people, I disagree with selling our lands. Let those who wish, choose wherever they want to live” (because if we sign away our lands without reserving our own, we would have no recourse because it would now belong to them for whom Governor Stevens acted).

During the discussion of the treaty signing the Snohomish went to the point over there at Mukileto.

They camped there.

The Snohomish who disagreed left.

They didn’t want to sell their lands.
Łəbšiłtd did not sign his name, he said, No!

There they were, thus there were only two Snohomish from here who signed their names.

John Taylor and the one called Jackson...

The people finished talking. They stopped. It was done.

(Shelton 1995:24).

Jack Wheeler, whose father was Snohomish and his mother Kikiallis, attended the treaty proceedings with them as a teen-aged boy, and remembered dissent that split apart certain bands:

Q: Did all of the Indians agree at that time to the conditions of the Treaty?

A. Some of them got mad and just went home and some of them just stayed there.

Q. From your recollection what bands or tribes agreed to the treaty and what bands or tribe withdrew?

A. They all agreed because they were caught by lies of Washington.

Q. Did any of the Indians withdraw and not sign the Treaty?

A. There was an Indian by the name of Slababucad, he withdrew.

Q. Was he an influential member of the tribe?

A. He was a Big Man-Chief.

Q. Did his people go with him?

A. Lots of his people were there.

Q. Did his people approve of his action?

A. No, his people did not agree with him.

(Deposition of Jack Wheeler: June 7, 1923, in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, folder 60:9)

Other head men remained at the treaty grounds throughout the council, but evidently did not sign the treaty for their people. According to a statement made by Charles Alexis, representing the Suquamish at a 1924 Indian affairs hearing in the House, three influential Duwamish headmen, Charles Setiacum (also Satiacum), James Moses, and William Rogers, attended the proceedings but did not sign the treaty (Statement of Charles Alexis, US, Congress 1924:51). Others like sλəbbətkəd, the chosen head of the Skagit when he attended the Point Elliott council (Collins 1974: 35), may not have signed because they believed that the promises of Stevens would still be in force whether the Indians actually signed the paper or not. Joseph Campbell, the grandson of sλəbbətkəd, talked about this situation in an Indian Affairs hearing of 1924:
Mr. Campbell: My grandfather was there during the treaty...My grandfather was there and present at the treaty with Governor Stevens and stayed there until the treaty was over and then went home.

The Chairman: Who told you the action of your grandfather at that time?

Mr. Campbell: My grandmother. She was there at the time and gave me the whole history of what took place at the treaty....The understanding I have from my grandmother at the time the treaty was made in Point Elliott is, that Governor Stevens told the people in general, all who were there present and promised to give them a reservation, and also the Skagits were to have a reservation as well as the rest of them. When the time came my grandfather was not asked to sign the treaty at the time, so he went home without signing any part of the treaty. That is my grandmother’s statement to me.

The Chairman: Your grandmother told you that your grandfather did not sign the treaty because Governor Stevens promised to do the same thing for those who did not sign as he had agreed to do for those that did sign? Is that right?

Mr. Campbell: Yes...That was the idea, because he understood Governor Stevens said he was to have certain things.

The Chairman: Whether he signed the treaty or not?

Mr. Campbell: Yes, they were to have a reservation of their own.  

(Statement of Joseph Campbell, U.S. Congress 1924:44-45).

Among those who did sign the treaty, there was also a feeling of discontent. Some felt pressure to sign and then quickly regretted their decision. As Lawrence Webster of the Suquamish recalled:

But they talked about that treaty quite a lot. And many of them were dissatisfied. They even said they should have taken Kitsap’s word when he didn’t want them to sign, but they didn’t have any other way to go. Talked about Leschi and the way he was treated because he didn’t sign or approve the treaty. Oh, there was quite a bit of hard feeling among the old timers about what went on. There just wasn’t a thing they could do.

(Lawrence Webster, Interview No. W.1.1:121 in Suquamish Tribal Archives, Suquamish, WA)

**Treaty Promises**

According to Indian accounts, Stevens made many promises to the Indians assembled at Point Elliott and also provided them with presents, food and trade goods to encourage further their acceptance of the treaty provisions. Among the gifts purportedly distributed at the council were “straw hats, a few yards of calico, blackstrap molasses and Jew’s-harps” (Trafzer 1986:29). Susan Dorsey remembered other very specific items presented to the women of the tribes: “I know that at time of treaty each woman was to receive 20 threads, one thimble, one needle, ½ yard of each for shirt and leggings of calico, piece of blanket for shoulder and package of pins...” (Cameron et al. 2005:37). According to Bill Kanim, attendees were also told they would be given “flour, sugar, mattox and tools” for twenty years.
(Deposition of Bill Kanim, Feb. 2, 1923, in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, folder 60:1).

Others remembered that Stevens also made much broader promises that the government would build schools and hospitals and would provide teachers so that the Indians could learn to write and build their own homes. As Jack Wheeler recalled, “The Government promised to build a house and when the house was complete it was going to give them a cow and a horse…” (Deposition of Jack Wheeler, June 7, 1923 in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, folder 60:13). Dora Solomon of the Lummi also remembered being told of similar promises made to the Indians by Stevens: “And he was supposed to teach the Indian children as long as there is any Indian anywheres. He was supposed to build houses for Indians…Oh, there was quite a few things they promised they were going to do for the Indians. They never got it” (Nugent 1982:116).

A constant focus of the negotiators in making available many of these gifts and services was that they would allow the Indians to live as the white people did. According to Ruth Shelton, many of the elders and head men believed that having some of the resources of the white people would be a way of protecting future generations and giving them the means to deal with these newcomers:

Then there was one thing which the honorable ones really believed in; it would be indeed good for our progeny to become like white people...

John Taylor interpreted (to the effect) that future generations would be as white people.

They will be taught to become like white people...

It is repeated, repeated. That was gone over, again and again.

(Shelton 1995:20)

Among the honorable ones who reinforced this notion was Seattle or siʔal, who spoke about the transitions that would take place after the treaty was signed. Agnes Sneatlum, a Suquamish elder respected for her historical knowledge, recounted the words used by Seattle at the treaty ceremony in a taped interview recorded by anthropologist Warren Snyder in 1955 and later translated by Vi Hilbert:

This is what Seahth said when they were having the treaty at Mukilteo, what is said (here)

‘You folks observe the changers who come here to this land
And our progeny will watch and learn from them now, those who will come after us, our children.

And they will become like/just the same
as the changers who have come here to us on this land.
You folks observe them well’

(Wright, ed 1991:262; earlier translation in Chief Seattle power song and advice in Vi Hilbert Collection, 5401-001, Box 13, University of Washington Libraries (UW), Special Collections (SC), Seattle, Washington).
At the same time, most of the Native people at Point Elliott realized that they also needed access to traditional resources to survive. Many of the tribes, like the Snohomish, were most concerned about the promises the government made to protect their means of subsistence. According to Bill Kanim, his uncle, Pat Kanim made a strong plea, which Stevens pledged to support:

In the Treaty my uncle Pat Kanim reserved the salmon, he reserved the deer, he reserved the elk, he reserved the bear, he reserved the clams, he reserved the dry tree, and he reserved the cedar. That is what he claimed and said would be his and that Governor Stevens agree to let him have all he asked. Governor Stevens said what you will be given today your children will be all right and your son will have land, and your grandchildren will have land and all those will be all right. Washington will give them money. So you must not steal from the white men that come; you must not kill the white men that will come; be just the same as you are, shake hands with the white men that come...

Governor Stevens said that if you are good you can go outside and the white man will not drive you away. Pat Kanim’s old home was out there by Tol. Salmon used to be good up there. The Indians have houses up there. That is the place where they drive salmons. Pat Kanim claimed that place. He didn’t want to let it go. Said his home was right there and it was the house of all those people. Governor Stevens said to him, ‘all right, and when you get through driving your salmon you can come home to Tulalip, that Washington shall have a writing, a strong letter on the door of your house that nobody can tear it down.’ That is all I know, just what my father told me.

(Deposition of Bill Kanim, February 22, 1923 in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, folder 60:4-5)

Others who were also concerned with the preservation of subsistence resources had similar impressions that Stevens had agreed to their demands. According to traditions remembered by Martin Sampson, a Swinomish leader:

Then we come to the making of the treaty. Governor Stevens arrived. Then he said, ‘We shall take your land! We shall buy it from you!’

The Indians said. ‘You will take our lands but we want enough to live on. But our food, the animals. Deer. Bear, other things that are our food. The salmon will be ours. We will not sell that. That will always be ours.’

Then Governor Stevens said,’ That is what we have in mind, That is what the leader from afar has in mind, that Washington, that is his thought. These are yours.’

(Martin Sampson Video Talk to Lushootseed Class, May 16, 1977 in Vi Hilbert Collection, Acc. 5401-001, Box 11, F77, UW, SC, Seattle, WA).
General Gaines, John Kwinooks, and other Lummi who attended the treaty proceedings also were very definite that Stevens had promised their tribe access to their accustomed and best fishing and hunting sites. General Gaines described his remembrances in the following way:

I was at Muckletoeh when Gov. Stevens made the treaty with our people in 1855...Gov. Stevens told the Indians that they could go anywhere on the salt water where they were accustomed to go to catch salmon, or dig clams or hunt deer or ducks; that the treaty would not confine us to the reservation when we wanted to hunt or fish and that we could fish where we used to; our headmen told Gov. Stevens that Chiltenum was their best fishing grounds and they wanted to know whether if they signed the paper they could go to Chiltenum (Point Roberts) just as they always had done.’

(Affidavit of General Gaines in US, Hillaire Crockett and Captain Jack v. Alaska Packing Association, June 21, 1895, US District Court, Northern Division, at NARA, Seattle, WA)

Many accounts particularly focused on the promise made by Stevens that these resources would remain with the tribes in perpetuity. Henry Kwina of the Lummi quoted Governor Stevens as saying that “your fishing will be free to you as long as Indians exist” (Testimony of Henry Kwina, State of Washington v. Charles Alexis, Superior Court #1720 May 27, 1915:14, 17). Ruth Shelton related that when the Snohomish finally overcame their reluctance and agreed to move to the reservation, the governor assured them that the land they chose for their own would always be theirs:

Then, Governor Stevens said this to them:

‘You folks will say, which part of the land, which part of what used to be your land, shall be yours forever!’

čədətələq, son of wədəpaʔ stood up right away, and he said this:

‘Will it be for as long as the water flows in the rivers, will it be for that long that it will be ours, and will it be for as long as the sun travels from whence it comes until it returns to the west?

Will it be for that long?’

This was interpreted to Governor Stevens.

He then stood up and he nodded his head (up and down in the affirmative), because there were lots of people, they couldn’t hear him if he spoke.

He just nodded his head, sat down.

This is what the leaders did when they did this.

They then were told:

‘It is finished.’

They listened.

(Shelton 1995:21-22)
Dorothy Solomon, a Lummi elder, also repeated her understanding that Stevens offered treaty rights and protection of Indian access to resources forever: “This Governor had three witnesses. Mt. Baker is one. Sunrise is one. The Columbia River is one. His word is going to last as long as the mountain lasts, as long as the sun rises, as long as the river flows. His word will never die. That’s the treaty right” (Nugent 1983:116). Others believed that Stevens used these symbolic words to make promises of ongoing assistance by the government, including monetary payments, if they agreed to the terms of the treaty. An elder of the Stillaguamish interviewed by Esther Ross in the 1920s remembered that the Governor had said: “As long as the sun rises in the East and sets in the West, as long as the grass grows green in the spring, as long as the river flows to the sea, we will give you a bushel of gold every new moon” (Ruby and Brown 2001:16).

For those who remained at Point Elliott and believed the words of Governor Stevens, the promises were impressive. Several sources suggest that at Stevens’s prompting, many of the Indians were encouraged to wave their arms and join in a cheer. In fact, in some accounts, the treaty at Mukilteo became known as tuʔahulaʔal or the “hooraying” (Shelton 1995:17). As Agnes Sneat lum, a Suquamish elder, explained, “... and the promises they heard were so wonderful that people were saying “Hip, hip, hooray, Hip, hip, hooray” (Lummi Indian College Project, 5/19/1992 in Vi Hilbert Papers, Acc. 5401-001, Box 13, UW, SC, Seattle, WA)

Later Negotiations

Once Governor Stevens concluded negotiations at Point Elliott on January 23rd and distributed presents to the assembled tribes, he and the other negotiators struck camp. The party went on board the steamer, Major Tompkins, but as a result of bad weather, the boat remained at anchor until the next morning. The group then headed to the next council at Point No Point with tribes from the west side of Hood Canal. After meeting with as many as 1,200 of the Clallam, Skokomish, and other Native groups of that area, Governor Stevens and his party moved on to Neah Bay to hold a similar council with the Makah. Once he had obtained more land cessions Stevens returned to Olympia where he remained until late February. At that time he tried to conclude an agreement with the tribes of the south Sound, including the Chehalis, Cowlitz, Quinault, Chinook, and Satsop. Despite week-long negotiations beginning on February 25, 1855, no agreement was reached (Records of the Proceedings, UW Microfilm, Seattle; Swan 1989:327; Prucha 1984:1-405-207).

Stevens then turned his attention to a new round of treaty talks set to begin in the late spring with tribes east of the Cascade Mountains. The Walla Walla Council, held from May 29 through June 11, 1855, brought together over 5,000 representatives from the Walla Walla, Cayuse, Nez Perce, Umatilla, and Yakama peoples. Discussions were occasionally contentious but the negotiations ultimately led to the three separate treaties that included the cession of 45,000 square miles of territory. Stevens then went on to negotiate two more treaties at the Hell Gate Council in the Bitterroot Valley of the Flatheads, and at the Blackfoot Council on the Upper Missouri. News of warfare with the Yakama reached Stevens in late October of 1855, and a final council held with the Spokane and neighboring groups in December failed to reach a treaty agreement. Stevens left to return to Olympia and face additional resistance to the treaties he had concluded (Nicandri 1986:13-26; Ficken 2002:46-47).
Comparisons of Point Elliott to Other Treaty Negotiations

Without additional descriptions or drawings of the Point Elliott treaty site, an analysis of the treaty arrangements and site location of other negotiations conducted by Stevens in the Northwest provides patterns that may have originated with Medicine Creek and Point Elliott. Testimony of his son and others indicates that Stevens and his negotiating team developed a process that was repeated for most of the treaty counsels. On Puget Sound, Stevens used several men he called quartermasters to prepare for the treaties at each location. Hugh Goldsborough, as commissary, was in charge of these preparations, but S.S. Ford, Jr., H.D. Cock and Orrington Cushman did much of the background work for each of the gatherings and attended all of the Puget Sound treaty councils. Michael Simmons and Frank Shaw were the main contacts with the Puget Sound tribes and also participated in all of the negotiations (Records of the Proceedings of the Commission to Hold Treaties with Indian Tribes in Washington Territory, 1854-1955, Microfilm, UW, Seattle; Hazard 1952:123).

Reminiscences from Stevens and his son also show that the governor followed certain standard protocols during the actual treaty councils. According to Stevens, he had developed some of these procedures when he first began to meet with tribes during the railroad survey: “It was my invariable custom whenever I assembled a tribe in council, to procure from them their own rude sketches of the country, and a map was invariably prepared on a large scale and shown to them, exhibiting not only the region occupied by them, but the reservations that were proposed to be procured by them” (Stevens 1900:455). His son Hazard, who attended the Medicine Creek Treaty as a boy of twelve, maintained that his father also followed similar negotiation procedures in all of his councils. In his highly laudatory biography of his father he maintained that Stevens usually had several interpreters to check for mistakes in the translation of treaty provisions, encouraged the Indians to speak their minds, provided explanations of the benefits of the treaty between sessions of the negotiations, and invited “well-known citizens to talk with and satisfy the Indians” at each meeting (Stevens 1900:456).

The men who represented Stevens quite possibly also looked for similar locations when they arranged the councils with different tribes. Typical settings for treaty negotiations were on several acres of slightly elevated land, easily accessible by water and near a creek or other water source. The Medicine Creek Treaty of December 1854, for example, was held along Medicine Creek, later called McAllister Creek “a mile above its mouth on the right bank, just below the house of Hartman, on a rising and wooded spot a few acres in extent, like an island with the creek on one side (south) and the tide-marsh on the other” (Stevens 1900:456). The Chehalis council site, described by James Swan who attended the negotiations, “was situated on a bluff bank of the river, on its south side... A space of two or three acres had been cleared from logs and brushwood, which had been filled up so as to form an oblong square...In the centre of the square and next the river was the governor’s tent, and between it and the south side of the ground were the commissary’s and other tents, all arranged in proper order...Around the sides of the square were ranged the tents and wigwams of the Indians, each tribe having a space allotted to it” (Swan 1989:337).

Descriptions and drawings of the treaty sites around Puget Sound and also east of the Cascade Mountains illustrate the similarities of the settings, but also that there appeared to be a common layout for the council meetings. Stevens and other treaty negotiators generally sat on a knoll or rise, often under some kind of an awning or open-sided tent, perhaps dictated by the weather. Individuals designated as chiefs or primary representatives of the Indians were generally arrayed in semi-circular
fashion around the negotiators with the rest of their people behind them. According to Swan’s
description of the Chehalis council:

The Indians were all drawn up in a large circle in front of the governor’s tent and around a table
on which were placed the articles of treaty and other papers. The governor, General Gibbs, and
Colonel Shaw sat at the table, and the rest of the whites were honored with camp-stools, to sit
around as a sort of guard, or as a small cloud of witnesses. (Swan 1989:341).

Drawings of the Walla Walla, Blackfoot, and Bitterroot councils seem to illustrate a similar pattern, as
does the description by Lieutenant Lawrence Kip of the Walla Walla Council:

It was a striking scene. Directly in front of Governor Stevens’ tent, a small arbor had been
erected, in which, at a table, sat several of his party taking notes of everything said. In front of
the arbor on a bench sat Governor Steven and General Palmer, and before them, in the open air,
in concentric semi-circles, were ranged the Indians, the chiefs in the front ranks, in order of their
dignity, while the background was filled with women and children. The Indians sat on the ground,
(in their own words) ‘reposing on the bosom of their Great Mother.’ (Kip 1859).

The camp sites of the governor’s party was generally apart from the places designated for the Indians to
camp and there was also evidently a separation of major tribes or bands. At the Chehalis council, Swan
described the layout as follows: “In the centre of the square and next the river was the governor’s tent,
and between it and the south side of the ground were the commissary’s and other tents, all arranged in
proper order...Around the sides of the square were ranged the tents and wigwams of the Indians, each
tribe having a space allotted to it” (Swan 1989:337). In later councils in the eastern part of the territory,
the governor’s party had a military escort to protect them, but around Puget Sound, the governor
evidently had little to fear from the council attendees and was camped in close proximity to them.

Aftermath of the Point Elliott Treaty Negotiations

Congress ratified the Medicine Creek Treaty, the first of Isaac Stevens’s agreements with the Puget
Sound tribes, within two months of the negotiations, but the Point Elliott treaty and those that followed
were not signed into law for four more years. During this period, disillusionment grew among the tribes
over the failure of the government to acknowledge the treaty and fulfill its promises. Throughout the
territory, the treaty-making process caused anger as the Native inhabitants continued to lose land to the
growing number of white settlers. A few people along the coast were warned about troubles brewing
among Indian tribes in the eastern part of the territory as early as the winter of 1855. Discontent with
the terms of the treaties and continuing incursions on reservation lands led to warfare between the
Yakama and the United States military in the fall of that same year. Hostilities also escalated in the
Puget Sound region, resulting in the deaths of some settlers and a military officer as well as a short-lived
attack on Seattle. These uprisings became known collectively as the Treaty Wars (Bancroft 1890:108–
113; Eckrom 1989:90-95).

Hazard Stevens, the governor’s son, blamed the delays in ratifying the treaties on these hostilities with
the tribes as well as “misrepresentations and charges originally started by the hostile Indians and taken
by prejudiced army officers and political and personal enemies....” From his perspective, the treaties
were finally ratified in March 1859 because Isaac Stevens was elected to Congress and thus able to make
a personal appeal for their passage (Stevens 1900:469). This view was supported by Charles Buchanan,
later the Indian agent at Tulalip. According to Buchanan, Stevens had “personal differences” with
Jefferson Davis, then the Secretary of War, who may not have liked Stevens’ recommendations for a northern railroad in a time of growing sectional conflict and thus held up his treaties. From his perspective, once Stevens was elected to Congress, “he personally pushed the treaties to the end” (Buchanan 1914:236).

Others less sympathetic to Stevens have argued that many of these problems, including the Treaty Wars that so quickly followed the treaty negotiations, resulted from the actions of the governor. Stevens’s failure to recognize the significance of subsistence sites or to understand tensions among various groups were, in part, responsible for troubles that followed. Also criticized was his reliance on the Chinook jargon, which was insufficient, with only about 500 words, to deal with the intricacies of such important legal negotiations. News of the increasingly negative reactions of the tribes to the treaties must have reached the seat of government fairly quickly, causing hesitation over the issue of ratification and plans for the future (Miles 2003:18; White 1972:62-63).

Still others have blamed federal Indian policy for hostilities in the Pacific Northwest and for the slow pace of treaty ratification. James Swan, who attended some of the treaty negotiations with Stevens around Puget Sound, and was considered sympathetic both to the governor and the Indians, criticized the process set up by the government:

Our whole system of treating-making is wrong with these frontier Indians. They can not be made to understand why the agents sent to them to make treaties are not empowered to close the bargain at once, instead of referring the matter back to Washington, and waiting the tardy action of government... (Swan 1989: 348-249).

Native Perspectives

For the Indians of the Puget Sound, there were many points of issue over the Point Elliott Treaty, but as Swan suggested, misunderstandings and, particularly, disappointment with the failure of the government to follow through with promises made at Point Elliott were a major point of contention. As Ruth Shelton remembered it:

I have thought about it. Possibly it was ten dollars that the old people got for their land. Because they said it wasn’t many years, maybe five years after the treaty. They are told by the white people there was a treaty at Mukilteo and the people thought they had heard it. It seems they hadn’t.

They waited for their payments and nothing ever happened. It was five years after the treaty that Washington talked about buying the land from the people. Then it was how long after that, maybe two years when the first payment came.

(Transcription of Ruth Shelton Interview with Leon Metcalf, Tape 70, in Vi Hilbert Collection, Acc 5401-001, Box 9, UW, SC, Seattle, WA).

Three years after the signing of the treaty, Chief Seattle also articulated his impatience at the government’s lack of faith in fulfilling the terms of the agreement. At an 1858 meeting with Michael Simmons, who remained the Indian agent for the Puget Sound tribes, Seattle was said to have complained:
Why don’t our papers come back to us? You always say they will come back, but they do not come. I fear that we are forgotten or that we are to be cheated out of our land. I have been very poor and hungry all winter and am very sick now. In a little while I will die. I should like to be paid for my lands before I die. Many of my people died during the cold winter without getting their pay. When I die my people will be very poor. They will have no property, no chief, and no one to talk for them. You must not forget them, Mr. Simmons, when I am gone. We have been very friendly to the whites and when we get our pay we want it in money. The Indians are not bad. It is the mean white men that are bad to them. Mr. Simmons, I want you to write quickly to the Great Chief at Washington what I say.

(Statement of Charles Alexis, U.S Congress 1924:49).

Even the man who had translated at the Point Elliott council became severely disillusioned. John Taylor’s reaction in a later confrontation with federal agents over the treaty provisions was recorded by Skookum George in a 1923 deposition. According to him:

John Taylor was living at that time and people was asking who was there and who was doing the interpreting at the Treaty and John Taylor was answering for a long time; he got mad and after a long time came out and said, “I was there and I was doing the interpreting when the white men fooled us.”

(Deposition of Skookum George, Feb. 2, 1923, in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, folder 60:11).

Traditions about the treaty and promises not kept continue to be passed down within the tribes. Hank Gobin, the long-time cultural resource manager of the Tulalip Tribes, tells of one elder’s perspective:

He talked about the Point Elliott Treaty as he sat in his chair in his living room, when he was seventy, eighty years old. He’d smile and he’d say, ‘I’m still waiting for my pot of gold.’ And he’d laugh and he’d say, ‘Our people were waiting for their pot of gold and they never got it’ from the signing of the Point Elliott Treaty.

So in his mind, he was under the assumption that it wasn’t a pot of gold, but there was a series of things that this treaty was supposed to fulfill on behalf of the tribes if they signed it. And that never happened in his mind.

(Interview with Hank Gobin, April 23, 2007:5-6).

Changing Meanings

Over time, the provisions and promises of the Point Elliott Treaty have continued to be both revered and reviled, debated and litigated. Through successive generations, Indians and non-Indians alike have attempted to understand the impact of the treaty from changing historical vantage points. In various types of commemorations, celebrations and observances, they have drawn new and sometimes contradictory meanings from the document that was signed at Point Elliott in 1855. Some of these commemorative events have taken place near the site of the negotiations, while others have been held in different venues that have gained significance from their association with the Point Elliott Treaty.
Treaty Day

It is not known whether the anniversary of the Point Elliott Treaty was widely recognized in the decades immediately following the treaty signing, but soon after the turn of the century the commemoration of what became known as Treaty Day began. Charles Buchanan, who began his career as the physician on the Tulalip Reservation in 1894, had assumed the role of superintendent of the reservation as well as the Indian school by 1900 (“Indians’ Friend Taken By Death,” unidentified article in RG 75, BIA, Tulalip Agency, Box 310, NARA, Seattle, WA).

The diary that Buchanan kept as superintendent from 1909 to 1912 included regular references to Treaty Day observances. His 1910 notes on the event included the following:

Jan 23 Sunday–Services at mission church in forenoon as usual. Large number of Indians, about 120, upon invitation of Superintendent came in and partook of a big dinner prepared for them in honor of the 55th anniversary of the signing of the treaty which was made January 22, 1855. After the dinner speeches were made by the old men; old time songs and dances were given and general good old time reunion was held. (Superintendent’s Diary, July 1, 1909-Nov. 30, 1912 in RG 75, BIA, Tulalip Agency, Box 310, NARA, Seattle, WA).

In subsequent years Indians from the Swinomish Reservation as well as others who were parties to the Point Elliott Treaty came to the Tulalip Reservation to sing, dance, and share customs (Figure 43). The 1913 observance was a holiday for tribal members and was described by a local newspaper reporter, who mentioned that it was the first time that tribal elders had overcome their negative feelings about the treaty to attend:

Indians gathered from all directions this morning on the Tulalip reservation to hold their annual potlatch and celebration of the anniversary of the signing of the Mukilteo treaty, which declared peace between the whites and aborigines on Puget Sound. Many of the older Indians are in attendance at this celebration for the first time, for they at first opposed a feast on this date, being dissatisfied with the outcome of the peace conference. (Seattle Times, Jan. 22, 1913:2).

Native Perspectives

The Indian perspective on the goal of Treaty Day differed significantly from Buchanan’s view, and a number of individuals repeated a similar story of the origins and meaning of the commemoration. According to Indian accounts, most tribal members, although ostensibly celebrating the signing of the treaty, were also using the day as a means of circumventing restrictions put on Native American spiritual practices and passing on the old ways to younger generations. Treaty Day offered an occasion to share songs and dances, often in the smokehouse, without the restrictions that were usually in force (Figure 44).
Figure 43. Treaty Day celebration meal in the newly built Tulalip Smokehouse, 1914.

Figure 44. Men gambling in the Tulalip smoke house, Treaty Day 1914.
Charley Anderson, interviewed in 1956, emphasized the ways in which Treaty Days gave people from all tribes an excuse to gather during a time of religious repression:

On that reservation it was pretty strict. You know the priest wouldn’t let anybody sing in the smoke house. You’d be put in jail in every reservation. Until some of these younger people said, Why not have the treaty day for our big day so that we can get together and sing songs. Different tribes got together. Well, everybody agreed to that and that is why this treaty day on the 22nd of January.

(Charley Anderson Interview with Virginia Mohling, Aug 1956 in Vi Hilbert Collection, Acc. 5410-001, Box 9, UW, SC, Seattle, WA).

Other accounts that have been passed down through the generations have also focused on the linkage between Treaty Days observances and attempts by the tribes to preserve traditional ceremonies. Stories like the one related by Vi Hilbert, a Skagit elder who has transcribed and translated many interviews with older tribal elders, reference both the personal persuasion and powerful symbols that convinced government agents to allow the observance of Treaty Day:

In the late nineteenth century our ancient Longhouse Religion was forbidden. The priest felt threatened by the strong doctrines and practice of our people and forbid it as ‘heathen.’ The Bureau of Indian Affairs jailed those who practiced it. It was in 1903 and 1904, right around there when the people decided they were going to argue to get their religion back, and were not going to jail. There’s a story some of the elders tell that the BIA agent came to the old smokehouse at Tulalip to talk the people into accepting the controversial 1855 treaty. Tribal leader William Shelton said, through an interpreter: “If you let us do our ceremonies, we’ll call it Treaty Day.” Then the old medicine man, Elzie Andrews sang his spirit power song, and at that moment a cougar appeared in the smokehouse. The agent was so taken aback he said, “Go on, practice your religion.” (Hilbert 1996:23)

William Shelton is often credited with suggesting Indian participation in Treaty Day and attaching a broader meaning to the commemoration. Shelton, who was of Snohomish origin, attended the Tulalip School for a short time as a teenager and for a number of years also served as an employee of Indian Agent Charles Buchanan at Tulalip. He later became a leader on the reservation (“Chief Shelton, Last of Totem Pole Carvers, Dies in Everett,” Seattle Times, Feb. 11, 1938). Hank Gobin of the Tulalip Tribes tells of family stories told to him by Wayne Williams, grandson of Shelton:

William Shelton, his grandfather, went to Buchanan and said, ‘Let’s hold a gathering to commemorate the treaty.’

But I think in William Shelton’s thinking, it wasn’t to commemorate the treaty. It was to share with the young people at the Tulalip Indian Boarding School, the songs and dances of the Tulalip people and a way to continue the spiritual life ways of our people under the guise of celebrating a treaty.

The real intention of the “Treaty Celebration” was to share and teach the spiritual life ways to the children at the Tulalip Indian Boarding School. That was the bottom line to the building of that smokehouse in 1914, 1915 or whatever the case may be, is that he saw the importance of carrying on the spiritual life ways, and went to Buchanan, as Wayne tells me, and convinced him by saying: ‘Let’s have a gathering on January 22 to commemorate the treaty.’
And it would also give us a means to educate our children about the history of our people.

(Gobin Interview, Apr. 23, 2007:18)

Gatherings on Treaty Day have continued to the present day with a variety of different types of observances on reservations around Puget Sound. Lora Pennington provides one modern view of the continuing significance of the Point Elliott Treaty and the complexity of tribal responses to its meaning and to its commemoration on Treaty Day:

It is a mixed history. But now, as a tribal person, I know that the treaty is critically important. It may not be the ideal. It's not what I would want for my future generations.

But I know that those that came before me have protected me, through this ragged document and their sacrifice...

As tribal people, we celebrate the treaty every year. And I’ve been asked several times “Why do you have Treaty Day?”

Well, one, these are important protections. An important passage. An important trust that exists between our people.

... You can’t separate our culture, our traditions, from us. No matter what, where we are, no matter how we come to this, it always comes to you and is always a part of you.

So the treaties – you know, they are part of us, too. They are part of our culture and our tradition now. And although they have been used as a rod against us, it is also now part of our culture. And part of something that we will pass on to our children, and to our children’s children and those that come after us.

(Pennington Interview, Apr. 23 2007:27).

Later Commemorations

Over time, non-Indian groups have also commemorated the Point Elliott Treaty council with special celebrations as well as plaques and historic markers. Often, tribal members have participated in these events. One of the earlier projects was initiated by historian Edmond Meany in 1919 to place four plaques of noted Indian leaders around the Puget Sound area. Meany worked with artist James Wehn and even contacted the Great Northern Railroad with the hope of obtaining monetary support for the project. Later articles suggest that Meany planned to erect a marker at the Point Elliott site, but research into his correspondence indicates that he originally hoped to place a likeness of Patkanim at his gravesite rather than at the Point Elliott treaty-signing location. It was also suggested that historian Clarence Bagley was involved in this project, although there was no indication of his participation found in his personal papers (Widrig 1954:4; Meany to Louis Hill, Nov. 22, 1919 in Edmond Meany Collection, 106-70-12, Box 35, Folder 15, UW Special Collections, Seattle; Seattle Post-Intelligencer, Dec. 7, 1919).

In 1930, the Marcus Whitman Chapter of the Daughters of the American Revolution (DAR), located in Everett, installed a large piece of granite with a bronze marker on the Rosehill School grounds in Mukilteo to commemorate the Point Elliott Treaty. The monument was carved by Thornton A. “Jack” Sullivan, an Everett resident and president of the Everett Marble and Granite Works. The dedication ceremony was held on May 2, 1931, with an estimated 3,000 people in attendance, including as many as
800 Native Americans. An area was set aside on the school grounds where participants could camp and hold ceremonies and dances. Among the speakers was historian Edmond Meany, who brought a copy of the original treaty, and guests included three individuals who had attended the treaty proceedings: John Davis, Bill Kanim and Charley Jules. Jules spoke about the treaty and, according to a newspaper account, declared that if Governor Stevens had not been killed in the Civil War, he would have “fixed things up nice” (Kessler 2004:2-8, 3-8; Everett Daily Herald, May 2, 1931; May 1, 1931).

Representatives of the DAR presented the monument to Governor Roland Hartley, representing the State of Washington, and the Mukilteo School Board agreed to provide care for the marker. The inscription on the plaque included the following: “At this place on January 22, 55, Governor Isaac Ingalls Stevens concluded the treaty by which the Indians ceded the lands from Point Pully to the British boundary.” These words were evidently written by Edmond Meany, who had consulted with DAR members about the event. In preparation for the construction of the monument, Professor Meany wrote to one of the committee members: “As near as can be ascertained, the Mukilteo (or Point Elliott) Lighthouse stands on the ground where Governor Stevens negotiated the treaty with the Indians led by Chiefs Seattle, Patkanim, Goliah and Chow-its hoot, affecting lands at least from Elliott Bay to the British boundary” (Dootson to Meany, May 8, 1931 in Meany Collection, Acc. 106-2-75-10, Box 24, Folder 4, UW, SC, Seattle, WA; Meany to Miller, Jan. 7, 1930, in Meany Collection, Acc. 106-2-75-10, Box 24, F. 4, UW, SC, Seattle; also cited in Kessler 2003).

Other historians of the period also had an interest in the location of the treaty council site. Notes compiled by Clarence Bagley, possibly for his History of King County, published in 1929, provide a more general indication of the location: “On January 22, 1855, Governor Stevens concluded another treaty at Point Elliott near the mouth of the Snohomish River about ten miles from Scadget Head on Possession Sound” (Clarence Bagley Collection, Acc. 36-001, Box 18, F. 17, UW, SC, Seattle; also cited in Kessler 2003). Both historians likely had the opportunity to talk to a few individuals who had attended the treaty ceremony and were still alive in the early 1930s, but no evidence was located in their papers to suggest that they obtained or recorded any information from first-hand informants.

Decades later in the 1950s, Lucile McDonald, a Seattle Times columnist who focused frequently on historical topics, wrote an article on Mukilteo for the paper. In her hand-written notes, probably taken during an interview, McDonald records the following: “Treaty signing was at 11 acre oval at Pt. Elliott s. of ferry ldg. Stevens and 82 Indian leaders Jan. 22, 1855.” No record of the source of this information accompanies these notations (McDonald Collection, Acc. 2234-3, Box 16; “Mukilteo Was an Early Trading Post” McDonald Collection, Acc. 2234-3, F. 7, 1852-1859, UW, SC, Seattle, WA).

A National Register nomination for the historical monument was submitted in 2004 and indicates the current view, which is that the monument stood for “the place of the Point Elliott Treaty signing and not the exact site.” The nomination also states that the marker commemorates the 1855 document, described as “a pivotal treaty, which legally opened the Puget Sound area to Euro-American settlement.” In the words of the nomination, the DAR marker continues to serve as “evidence of a later generation’s assessment of the past and its significance is derived from the value of the monument as a cultural expression of the 1930s” (Kessler 2004:7-1; 8-1).

An additional recognition of the Point Elliott treaty was made by the Veterans of Foreign Wars, Guard Post 2100, on August 15, 1953, as part of the Washington Territorial Centennial celebrations. At the dedication of a concrete monument and wooden bench, which were located near the beach on State
Park land in Mukilteo, a re-enactment of the treaty signing ceremony was held. At the time, it was believed that the council grounds were located near the site of the lighthouse, and the land around the site was made a state park. The area where the bench and marker were located was on filled land, however, and the bench was subsequently removed and the plaque later encased in a concrete pylon east of the lighthouse (Widrig 1954: 4; Kessler 2004:8-7).

In 1973 the Washington State Parks and Recreation Commission also erected a marker at the State Park to commemorate the listing of the Point Elliott Treaty council site on the state’s Historic Register. A nomination of the site to the National Register of Historic Places was first made at that time, but was rejected because of inadequate documentation. This 1973 marker was later added to the same concrete pylon where the VFW memorial was placed (Warner 1968; Kessler 2004:8-7).

Point Elliott Re-Enactment Pageant

Other Point Elliott commemorations did not occur near the Point Elliott site. These observances usually included area tribes and offered the means to showcase Native culture in a more public setting while at the same time re-interpreting the meaning of the Point Elliott Treaty. In 1933 members of the Warren O. Grimm post of the American Legion, located in Kirkland, Washington, initiated a re-enactment of the Point Elliott Treaty council as part of a larger celebration that involved representatives of many of the signatory tribes as well as others from around Washington State (Figure 45). According to newspaper articles of the period, the Legion invited the Indians to hold a re-enactment and pow-wow that would demonstrate the "early life, customs, and beliefs of the Indians ... thru pageants, war dances, tribal dances, games and primitive magic" ("Juanita Beaches Lend Ideal Surroundings for Big Redskin Pow-
wow,” *Eastside Journal*, April 6, 1933). Organizers believed that the event, which was to be held at Juanita Beach on Lake Washington near Kirkland, would draw thousands over a two-day period and benefit both the tribes and the post (Stein 2002).

Among those participating in the planning were Jerry Kanim of the Snoqualmie, Black Thunder of the Skykomish, Joseph Hillaire of the Lummi as well as a delegation of women from the Muckleshoot reservation. In addition to a variety of canoe and boat races, dances, singing, and cooking demonstrations, planning for the celebration included the presentation of a pageant that would depict the events surrounding the Point Elliott Treaty council of 1855. Joe Hillaire evidently took the responsibility of developing the pageant and according to local newspapers, gathered “first hand data for months on just what happened prior to and at the signing of the treaty....” It was proposed that Washington Governor Clarence Martin play Governor Stevens in the presentation, and descendants of other treaty signers, including Jerry Kanim, the son of Patkanim, assume the Indian roles (“Gov. Martin Asked to Assume the Role of Territorial Governor” *Eastside Journal*, April 27, 1933; “Races and Colorful Pageant Declared Best Ever presented,” *Eastside Journal*, June 1, 1933; “War Canoes to Vie Tomorrow,” *Seattle Times*, May 27, 1933).

A typescript that is identified as “written by R.O. Bishop from recollections of early Seattle days as recounted by Joe Hillaire” is likely the script for the 1933 pageant. The document, which is held at the University of Washington libraries, includes a narrative as well as stage directions that provide background on the life and culture of Puget Sound Indian groups before the treaty and a dramatization of the treaty proceedings and its impact on the tribes. Hillaire primarily uses the perspective of Chief Seattle to illustrate the changes the Indians experienced once the treaty was signed. Stevens, “the little man who talked so tall for the Great White Father” is portrayed as in a hurry: “His demeanor is kind until the chiefs put their marks on the paper and then he becomes brusk and in a hurry. He hurried away while blanket squares and ribbons are passed out.” When Seattle and others are forced to move to their reservations, the government provides no money and Dr. Maynard pays for the expenses. “Then came the dark times and through an interpretation of the treaty the tribes were no longer allowed to sing their tribal songs; not allowed to do their ancient dances: denied the Indian custom of bewailing their dead. What they here to for had been proud of they now had to do in secret or not at all. **It was a bad time to be an Indian.**” As years passed, the government, which was supposed to send money, more often provided useless items. “Perhaps a man would receive a saddle, complete with bridle. He, who had never owned a horse. Would it fit his wife?” (Recollections of Joe Hillaire nd:12-13, in Pamphlet Files, Indians of North America, Washington, Suquamish, UW, SC, Seattle, WA).

The Hillaire script suggested that the aftermath of the Point Elliott Treaty was a lonely and bitter time for Chief Seattle as “Gov. Stevens now looked through him instead of at him” and when he died he was unsure if he had made the right decision to support the treaty. It was not until 1911, according to the script, that “the veil of silence that hid the Indian culture was broken...The damper was lifted by Chief William Shelton of the Snohomish, who managed to get Congressional consent for the elders of the tribes under the Point Elliott Treaty to celebrate the anniversary by the singing of the ancient songs and performance of the tribal dances.” As dramatized in the pageant, the result of Shelton’s appeal was what became known as Treaty Day: “The tribes began to recount the promises that had been made. They began again to be proud of being Indians. The original signers were gone but the children remembered what father had said and what grandfather had said. The treaty would do this and the treaty would do that. But we the children do not see it done” (Recollections of Joe Hillaire nd:14-16, in Pamphlet Files, Indians of North America, Washington, Suquamish, UW, SC, Seattle, WA).
Another less ambitious re-enactment of the treaty-signing took place on May 3, 1961, at the dedication ceremonies that initiated the construction of Tillicum Village, a tourist development on a portion of Blake Island State Park. Plans were unveiled to build a “replica of a Salish-type pre-white man village” which would also include a museum, a longhouse, a 300-seat auditorium and various food service and sales buildings. In an unusual departure, participants were ferried to Blake Island on a World War II landing craft. In addition to the developers and representatives of the state parks, the descendants of Chow-Its-Hoot, Patkanim, Goliah, and Seattle took part in the ceremony, representing the signers of the Point Elliott Treaty of 1855 (“Signing of Indian Treaty Re-enacted on Blake Island,” Seattle Times, May 3, 1961; “Ground Broken for Replica of Blake Island Indian Village, Seattle P-I, May 4, 1961).

Potential Archaeological Expression

Although archaeological evidence of the Point Elliott Treaty signing event has not been conclusively identified, such evidence could be found in the Mukilteo area. A gathering of over 2,000 people, most of whom were camping, would almost certainly have left archaeological remains. Numerous small hearths along the berm and perhaps at the base of the landward cutbank, particularly if associated with thin scatters of animal bone, shell, chipped stone, and exotic trade goods, could be an indicator of the Treaty event. According to Native American informants, Governor Stevens distributed gifts at the Point Elliott gathering to encourage acceptance of the Treaty, including straw hats, calico cloth, blanket fabric, blackstrap molasses, mouth harps, pins, needles, thread, and thimbles (Cameron et al. 2005:37; Trafzer 1986:29). Mattocks and other tools may also have been distributed (Deposition of Bill Kanim, Feb. 2, 1923, in RG 75, Tulalip Agency, Correspondence with Commissioner of Indian Affairs, Box 96, Folder 60:1). Since a trading post was present at Mukilteo by 1862 and trade goods had been widely available in the area since the 1830s, the density and location of short-term campsites may differentiate residential activity associated with the Treaty from that dating to earlier and later events. Although the Euroamericans present at the Treaty reportedly retired to an off-shore ship at the conclusion of each day, artifacts associated with that contingent could also occur. Such artifacts might include hand-blown glass bottles, tableware sherds, sawed animal bone, period buttons, and other portable goods, probably scattered over a relatively limited area. Remains of temporary shelters, such as poles or stakes driven into the ground, could be present in both Native American and Euroamerican portions of the site.

As previously noted, a few clay tobacco pipe fragments and a glass bead were recovered in 2009 from a lagoon context during test excavations at the Old Mukilteo Townsite (45SN404), west of Park Avenue between Front and First streets (Ferland et al. 2010). These finds may be evidence of the treaty/trading post period in the area, supporting the possibility that 45SN108 could contain an archaeological component. For a summary of nineteenth and early twentieth century artifacts useful as temporal markers, see Appendix B of The Alaskan Way Viaduct & Seawall Replacement Project Research Design for Identification of Archaeological Properties, Part II: Historical Properties (Northwest Archaeological Associates, Inc./Environmental History Company 2007).

Site Synthesis

The Point Elliott Treaty Site (45SN108) is the location where the 1855 treaty between the U.S. government and the Indian tribes of northern Puget Sound was signed, an important historical event. Historical research completed in 2007 adds detail and information sufficient to revise the 45SN108 site form and initiate evaluation of a better defined property. Although exact locations where 1855 Point Elliott Treaty events occurred remain uncertain, the size of the treaty gathering, nature of the landform,
and other factors support expansion of the site boundary to encompass the entire point. Based on the results of the 2007 research, the Point Elliott Treaty Site (45SN108) is recommended eligible for listing on the National Register of Historic Places under Criterion A for its association with the history of Indian-white relations and the development of Federal Indian policy during the last half of the nineteenth century. The site is also recommended significant under NRHP Criterion B for its association with prominent political leaders of the day, Governor Isaac Stevens and a number of Indian leaders including Seattle, Patkanim, Goliah, and Chowitshoot. Previous finds of period artifacts, as well as the history of the event, suggest that an archaeological component may be present at the site, perhaps qualifying the site for NRHP eligibility under Criterion D.

As noted in the Tribal Coordination section (section 1.4), the site or portions of the site vicinity may also be eligible for the NRHP under Criterion A or other criteria as a traditional cultural property, significant in maintaining the living culture of one or more Native American groups. Consultation between WSF and FTA and interested Native American tribes regarding TCPs in the project area is in its early stages.

### 3.5 Mukilteo Light Station (45SN123)

This lighthouse complex, consisting of 11 buildings and structures, is listed in the NRHP and Washington Heritage Register. An update was recently submitted to the Washington Department of Archeology and Historic Preservation to include buildings and structures not mentioned in the original 1977 nomination form (Williamson 1977, Andrews 2008). The lighthouse, two keepers’ residences, and a coal storage building were constructed in 1906. A two-bay garage, concrete fence posts, sidewalks, a seawall, ladder storage, water basin, and triangle alarm were added before 1935 and are contributing elements (Andrews 2008).

The Mukilteo Light Station (45SN123) is significant under Criterion C as a well-preserved complex of buildings and structures typical of those produced in the Pacific Northwest by the federal Light House Board during the late nineteenth and early twentieth centuries. The Mukilteo Light Station is also historically significant under Criterion A for its association with the maritime history of Puget Sound (Andrews 2008; Rinck and Heideman 2008).

### 3.6 Buildings and Structures Recommended Not Eligible for the NRHP

#### Mukilteo Explosive Loading Terminal

The Mukilteo Explosive Loading Terminal Barracks (Field No. MM-04) was recorded and evaluated in 2003 during the initial cultural resources assessment of the Mukilteo ferry terminal project (Kaehler et al. 2006). The building, described as a simple rectangular two-story wood frame barracks with a front-gabled roof, numerous wood sash windows, and a gabled rear extension, was built in 1942 as part of the U.S. Army Mukilteo Explosive Loading Terminal (MELT) complex. The MELT facility served as a shipping point for munitions sent to the western Pacific during World War II, and the barracks continued to house servicemen stationed at the Terminal into the late 1940s. In the early 1950s the U.S. Air Force acquired the MELT facility as a fuel supply point, constructed ten fuel tanks on the property, and converted the barracks building to the headquarters for a maritime rescue unit. During the initial Mukilteo ferry terminal project cultural resources assessment, the MELT Barracks was recommended eligible for listing...
in the National Register of Historic Places, the Washington Heritage Register (WHR), and the Snohomish County Cultural Resources Inventory (SCRI) for its association with “an essential element of the military supply system established on Puget Sound during World War II” (Forsman 2003a:2).

Today most of the original eight-over-eight wood sash double-hung windows on the front (west side) and highly visible south and east sides of the building have been replaced with incompatible modern one-over-one vinyl sash units. Porches have been rebuilt and reconfigured and most doors are modern metal or fiberglass replacements. These repairs have significantly altered the appearance of the building. To be eligible for listing in the National Register of Historic Places a property must possess both historical significance and an acceptable degree of integrity. Compromised integrity—of design, materials, workmanship, and feeling—prevent the MELT Barracks from conveying its historical association with the World War II military supply system. The building is therefore recommended not eligible for listing in the NRHP, the WHR, the SCRI, and the Mukilteo Historic Buildings Register (MHBR).

Three additional buildings and structures in the MELT complex—the Pier (Field No. MM-02), Firehouse (Field No. MM-01), and Superintendent’s Office (Field No. MM-06)—were also recorded and evaluated in 2003. All were recommended not eligible for NRHP, WHR, SCCRI, or MHBR listing due to loss of integrity (Forsman 2003b, 2003c, 2003d; Kaehler et al. 2006:54).

Defense Fuel Supply Point - Tank Farm

The Defense Fuel Supply Point Tank Farm was also recorded and evaluated during the 2003 assessment (Kaehler et al. 2006). This complex consists of 10 concrete fuel tank pads (the tanks were removed prior to 2003) and small associated service buildings and structures. The DFSP Tank Farm was recommended not eligible for NRHP, WHR, SCCRI, or MHBR listing due to loss of integrity (Forsman 2003e; Kaehler et al. 2006:54).

Diamond Knot Ale House (Cheers Too, Bus Barn)

This building was constructed in 1942 as a bus barn for the Mukilteo-Everett Stageline. Subsequent uses included restaurants and other commercial ventures, and the building was repeatedly remodeled. The building was recorded in 2003 and recommended not eligible for listing in the NRHP or the WHR due to loss of integrity resulting from extensive alteration (Kaehler 2006; Koler 2003c).

Ivar’s at Mukilteo (Taylor’s Landing)

This building, originally a 1925 commercial building and an adjacent residence, was remodeled into its present form in 1991, 1993, and 2003. Today the building has been altered to the point that it is unrecognizable as an historical structure—no historical fabric is visible on the interior or exterior of the building. Ivar’s was recorded in 2003 and recommended not eligible for listing in the NRHP due to loss of integrity (Kaehler 2006; Koler 2003f).

SR 525 Overpass (Bridge #525-10)

SR 525 crosses the BNSF railroad on this large timber and concrete bridge. The structure was built in 1941 as a 24-foot-wide timber trestle bridge. In 1967 the structure was widened to 48 feet and massive
concrete supports were added. The bridge was recorded in 2003 and recommended not eligible for the
NRHP or WHR due to its unexceptional character and loss of integrity (Kaehler 2006; Koler 2003a).

Mukilteo Ferry Terminal (31-339)

The Mukilteo Ferry Terminal was minimally recorded in 1994 and assigned a construction date of 1970
The property, believed to be less than 50 years old, was revisited during the initial Mukilteo ferry
terminal project cultural resources assessment to determine if it qualified for listing in the NRHP under
Criteria Consideration G, properties of exceptional importance that have achieved significance within
the last fifty years. The property did not qualify for exceptional status (Kaehler et al. 2006:17, 32).
Subsequently, however, references have surfaced, providing a construction date of 1952 for the ferry
terminal and trestle (Jacobson 2010; Krochalis 2006; Onweiler 2011; Michelle Paxson, MMP Project
Manager, WSF, personal telephone communication with Eileen Heideman, March 31, 2011). The
property was therefore revisited in 2011 and a Historic Property Inventory form completed (Appendix
H). Architectural descriptions of the terminal features and recommendations regarding NRHP eligibility
of the property follow.

Passenger Terminal Building

This single-story flat-roofed building has a roughly rectangular plan divided into three primary spaces.
An office for Washington State Ferries employees is located at the southeast end of the building, public
restrooms accessible from the northeast side are located in the center, and an indoor waiting area for
ferry passengers is at the northwest end of the building. The building is roughly rectangular in form, but
has recessed entrance areas located on the northeast side for each of the three sections. The building is
capped with a flat roof with broad eaves supported by slightly tapered rafters. The building is clad with
vertical board siding and the interior is lit with fixed and sliding windows. These materials are
replacements that date to a 1984 remodel of the building. With the exception of the rafters, very little
of the original building remains intact.

Dock

The dock consists of several components that include a riveted steel pony truss, a timber trestle, two
towers with a connecting support brace and catwalk, two wing walls, bulkheads, and three dolphins.
The dock extends to the northwest from the shoreline and stands at the foot of SR 525, just past its
intersection with Front Street. The portion of the dock closest to shore is a timber trestle segment
consisting of six-pile bents with milled pile caps supporting a wood deck and asphalt wearing surface.
This portion of the dock is connected to the pony truss transfer span, which is a Warren truss design
with verticals and polygonal top chords. The end of the dock consists of two creosoted timber pile
towers reinforced with steel bracing and capped with concrete and an overhead connecting beam that
extends between the two towers. This overhead system supports a cable and pulley system that raises
and lowers the dock apron to the appropriate height for the ferry. Two wing walls, two timber pile
dolphins and a floating outer dolphin form the outer extent of the ferry dock system. According to
Michelle Paxson, WSF MMP Project Manager (personal telephone communication with Eileen
Heideman, March 31, 2011), the trestle was built in 1952.
**Toll Booths**

Three toll booths are located at the south end of the Mukilteo ferry terminal facility, two of which were probably built in 1952; the third booth was added at a later date. The two original booths are small rectangular buildings with a single entrance located on the northwest side of each booth. The lower walls are clad with vertical pressed chipboard siding and the upper walls consist of modern vinyl and aluminum fixed and sliding sash windows. The low-pitched hipped roof of each building has box-framed eaves and both are clad with standing seam metal roofing. Gate arms are attached to the northeast end of each building for lowering across vehicle lanes, and large poured concrete safety barriers are located on the southwest side of each booth.

**NRHP Evaluation**

The Mukilteo ferry terminal consists of several components: three toll booths and an automobile holding area, a passenger terminal building, and a dock for the ferry. With the exception of one toll booth and the transfer span, the date of construction for these buildings and structures is 1952, and all have undergone extensive alterations since that time with at least one major remodel taking place in 1984 (Jacobson 2010; Krochalis 2006; Onweiler 2011; Michelle Paxson, MMP Project Manager, WSF, personal telephone communication with Eileen Heideman, March 31, 2011; Snohomish County 2011). Further research would be necessary to determine the exact dates and full extent of the alterations, but the amount of modern material on these buildings and structures indicates that little of the original material remains. These changes have caused loss of integrity of design, materials, and workmanship to the passenger terminal building, the toll booths, and the dock. These buildings and structures are therefore recommended not eligible for the NRHP, the WHR, the SCCRI, and the MHBR.

**Buildings No Longer Extant**

McConnell’s Boat House (31-244) was demolished sometime prior to the 2003 cultural resources assessment (Kaehler 2006). Buzz Inn (Seahorse Restaurant) and the adjacent Multi-family Residence and Seahorse Owner’s House were recorded during the 2003 inventory and recommended not eligible for the NRHP; the three buildings were torn down around 2008 (Kaehler et al. 2006; Koler 2003b, 2003d, 2003e; Rinck and White 2008).

### 3.7 Off-Shore Resources

In 1981, during planning for an earlier expansion project at the Mukilteo Ferry Terminal, underwater archaeologists examined the area for cultural resources (Green 1981; Kaehler et al. 2006). The divers reported a large ship anchor, partially buried in the seafloor. Just beyond the anchor the seafloor dropped precipitously to the north. A large chain attached to the anchor extended, taut, in a north-northeasterly direction over the underwater precipice into the deep water below. Although the anchor and chain suggested a possible shipwreck, the divers were unable to explore the deep water area. The anchor and chain were not mapped or formally recorded (Green 1981). These remains may be evidence of the S.S. Glide, an 1883 steamship that reportedly sank in the Point Elliott vicinity in 1902 (Kaehler et al. 2005). The ship, however, burned before sinking, and Kaehler et al. (2005) recommended the anchor and any possible ship remains as not eligible for the NRHP.
4 SUMMARY AND MANAGEMENT IMPLICATIONS

Fifteen cultural resources were identified within or adjacent to the MMP APE. This chapter summarizes these sites’ eligibility for listing in the NRHP, evaluates potential project effects on properties eligible or recommended eligible for the NRHP, and discusses possible mitigation measures should adverse effects to NRHP-eligible sites be unavoidable. As in previous sections of this document, the three sites reported in the 2008 draft Mukilteo ferry terminal project cultural resources report (Miss et al. 2008)—Mukilteo Shoreline Site (45SN393), Old Mukilteo Townsite (45SN404), and Point Elliott Treaty Site (45SN108)—are addressed in greater detail than the other properties.

4.1 NATIONAL REGISTER OF HISTORIC PLACES EVALUATION

Mukilteo Shoreline Site (45SN393)

Archaeological testing of 45SN393 (Figure 46) has provided a substantial amount of data that can be used to address some of the research questions previously described. In some cases, test sample sizes of data classes are too small to be adequately applied to those questions but may be obtained in greater quantity with the larger samples that data recovery excavation may yield. The ways in which data from 45SN393 may be applied to established research domains are described in turn here.

Site Structure - the Lithostratigraphic Framework

Lithostratigraphic data collected during site testing showed the presence of well-stratified shell midden deposits occupying the [REDACTED]. Testing also revealed intact stratigraphy preserved among the sedimentary bodies underlying the spit and its associated historic tidal wetland. Small-scale individual lithofacies revealed fine-grained data on details of the depositional framework, and the presence of well-delineated contacts between the strata (groups of lithofacies) showed the distribution and overall geometry of the major strata comprising the landform.

The detailed depositional framework of the Stratum II shell midden was exceptionally well-preserved below the fill, and showed multiple occupations separated by deposits associated with geomorphic events such as washover deposits due to storm waves. Since the physical framework of the archaeological site and its landform exhibit a high degree of integrity, archaeological sampling strategies can be fine-tuned to address spatial and temporal changes in site use as well as collect information on the ecological setting of the landform.

The highest amount of the remaining estimated data potential of the site lies in closer examination of the shell midden. Though the borehole data provided sufficient lithostratigraphic data to support construction of the overall physical framework, the backhoe trench exposures showed the limitations of cores for detailed examination of shell midden sites. Such examination requires larger exposures to trace out lateral changes in the character of the midden deposits; find and define evidence for structural features such as stakemolds and fire features (for example, ovens and hearths); and to provide suitable sampling contexts for faunal, botanical, and other environmental analyses.
This image has been redacted.
Landform History

The data classes used to develop the site structure also inform on the landform history at 45SN393, including intact stratigraphic relationships within and between cultural and natural deposits and associated firmly dated chronological markers. The well-defined contacts among lithofacies and strata in conjunction with the numerous fragments of driftwood and wrack from short-lived woody species allowed construction of a preliminary landform history. A radiocarbon sample from borehole [REDACTED] showed an earlier spit, possibly part of a cuspate foreland, had formed about 1600 rcybp and was subsequently rapidly buried under about 15 feet of accumulated Stratum IV beach sediments. Radiocarbon ages from the archaeological deposits of Stratum II show that the spit emerged again and was available for occupation by at least 1000 years ago.

The site has the potential to yield additional data that can be used to refine this preliminary reconstruction of the paleolandscape. The lithostratigraphic boundaries throughout the project area offer a framework for interpreting chronological data and estimating time of major depositional events and the stability of landscape features. Given the excellent preservation of the stratigraphy in Stratum II, and if larger exposures of stratigraphy were available, the further archaeological data potential of 45SN393 rests in retrieving large-enough samples to draw possible correlations among occupation ages, pre-contact human activities, and environmental change.

Site Formation

Data classes pertaining to the research domain of site formation are present at 45SN393, including basic site parameters, stratigraphy, and content of the archaeological deposit. Test excavations have refined the boundary of the site since its initial discovery, confirming that the shell midden extends [REDACTED] in the test trench exposures. The shell midden deposit exposures are not homogenous from trench to trench, most exhibiting complex internal stratification, including thin crushed shell midden lenses, black charcoal-rich strata, and clean sand and naturally deposited shell layers between cultural layers. The radiocarbon dates associated with the shell midden obtained during testing range between about 1000 BP to contact, a range supported by the composition of the artifact assemblage. Midden accumulation rates vary between the trench exposures, suggesting that different portions of the site were used at different times and with different intensities.

The test excavations illuminated several major post-depositional processes that have affected 45SN393, including construction and demolition of the Crown Lumber Company facility that may have removed portions of the top of the shell midden and driven intrusive elements such as pilings through some of the deposits; construction of the fuel tank facility that capped the shell midden with additional fill; installation of buried utilities for at least the past 50 years throughout [REDACTED] that have removed the deposit in places; saturation of a portion of the midden with petroleum products that has affected portions of the deposit to an unknown extent; and periodic tidal inundation of at least the lower portion of the shell midden.

The presence of data classes associated with the site formation research domain have been demonstrated at 45SN393. Although test excavations have refined the horizontal and vertical boundaries of the site and given some indication of formation processes concurrent with Native American occupation and later post-depositional processes, our knowledge of stratigraphic variability
within the site deposits is limited to relatively few large exposures within the trenches and more numerous but narrow exposures within the core samples. The remainder of the site has the potential to inform about a greater extent of variability and to provide a clearer picture of site formation processes.

**Cultural Processes**

Testing at 45SN393 has yielded lithic and bone artifacts, abundant faunal remains, botanical remains, and spatial and stratigraphic data that inform us of the lifeways of the pre-contact Native American occupants of Point Elliott. The preliminary radiocarbon chronology, based on samples from trenches some distance from each other, suggests that human occupation of \[\text{REDACTED}\] began on at least a portion of the site around 1,000 years ago and more widespread use of \[\text{REDACTED}\] commenced about 600 years ago. The boundary between the pre-contact shell midden deposit and overlying historic fill deposits is indistinct in most exposures; similar to the Duwamish No. 1 site, contact-era items such as trade beads have not yet been found that would directly suggest continuity of occupation of \[\text{REDACTED}\] by Native Americans from the pre-contact period through the ethnographic period. The decision to use this landform as the venue for the signing of the Point Elliott Treaty in 1855, along with oral accounts that the beach was still used regularly as a camp site, however, does suggest such continuity.

Intensity of occupation substantially varied from place to place throughout the site based on midden accumulation rates estimated from the test trench profiles. Features such as structural remnants or hearths found in other large shell midden sites (e.g., Duwamish No. 1 and Old Man House) were not apparent in the test units, precluding inferences about paleodemography or activity areas at the site; the dimensions and stratigraphic complexity of the midden, however, suggests that such features may be found and inferences made if more extensive excavation units are dug at the site.

The artifacts found during testing reflect a variety of activities by the Native American occupants of the site, including tool manufacturing and maintenance, hunting and fishing, food processing, and wood- or bone-working. Lithic artifacts found during testing include both expedient and more finely made stone tools and tool-making debris representing several different tool manufacture and maintenance techniques. Most of the lithic raw material was from locally available coarse-grained volcanic stone; however some artifacts were made of cryptocrystalline stone and petrified wood. These rarer lithic raw materials may have been accessible in local glacial deposits or traded or transported to the site from some distance. Nephrite, from which an adze blade found at the site was made, may have likewise been transported to the vicinity of the site by Pleistocene glaciers, although in situ sources are known in Snohomish County and interior river valleys in the north Puget Sound lowlands and Cascade foothills (Cannon 1975; Lewarch and Bangs 1975). Finished adze blades were also traded great distances throughout the Northwest Coast and Plateau, and valued for their time-intensive manufacture, durability for important woodworking activities, and symbolic value of wealth attached to them (Darwent 1998). Projectile points suggest hunting at or near the site, and the complete adze blade was probably used to work wood, of which burned fragments of Douglas fir, alder, maple, pine, hemlock, cedar, and yew were also found. Bone tool technology was apparently well-developed by the occupants of the site as well, and included implements for fishing, hunting, and working wood or bone. Larger samples recovered from contexts with more secure provenience are still needed, however, to define spatially discrete activity areas and changes in the kinds and intensity of activities at the site through time.

Animal remains found at the site include a variety of shellfish both common (e.g. mussels, clams) and uncommon (e.g., geoduck) in regional archaeological contexts. Fish remains reflect a focus on salmon...
and less intensive pursuit of nearshore marine fish including dogfish, ratfish, herring, surfperch, sculpin, rockfish, and flatfish. The bird bone assemblage contains the remains of ducks, loons, grebes, and alcids, suggesting a focus on waterfowl and other marine birds instead of terrestrial bird hunting. Mammal remains include sea lion, harbor seal, black bear, porpoise, elk, and deer. This suite of animal resources would provide meat for subsistence and raw material for manufacture of tools, clothing, and other items in a complementary manner year-round. Changes over time in site seasonality, the kinds of animals pursued nearby, and the intensity of their harvest, however, are not apparent from analysis of this assemblage given its small sample size. A larger sample is also required to make such inferences about subsistence strategies as butchery and carcass transport decisions and a more complete picture of Native American hunting, fishing, and gathering throughout the annual cycle.

Regional Syntheses

The archaeological deposits at 45SN393 contain data that complement ethnographic, ethnohistoric, and historic documentation of the importance of the site and Point Elliott to larger settlement patterns used by Native American communities of central Puget Sound. The preliminary site chronology, based on radiocarbon dated charcoal samples within the site and geological and radiocarbon data from the surrounding landform, suggests that 45SN393 was first occupied about 1,000 years ago, shortly after the barrier berm at Point Elliott began to form. The site was occupied continuously, that is, without substantial breaks, until Euroamerican contact and settlement in the mid-1800s, and may be placed exclusively within the late period of the general Northwest Coast culture-historical framework and the Gulf of Georgia phase established for the Straits and North Puget Sound. The last roughly 1,000 years has been asserted in most regional culture-historical sequences to be a time of dramatic population growth, of labor reorganization that takes advantage of specialized economic pursuits such as intensive salmon fishing, and of an increasing complexity of social structures (e.g., Ames and Maschner 1999; Matson and Coupland 1995).

The composition and character of the artifact assemblage and shell midden deposit at 45SN393 are consistent with other sites in the region attributed to this phase, including the two most recent components at the [REDACTED] site, the Duwamish No. 1 site, and Old Man House. This period of time at [REDACTED] was marked by continuity of many hunting, fishing, and gathering pursuits from the previous approximately 3,000 years but also a shift towards more seasonally restricted use of the site during the spring and summer, and an almost complete cessation of on-site stone tool manufacturing (Larson and Lewarch 1995). At the Duwamish No. 1 site, people were engaged in similar broad economic pursuits as at [REDACTED], however there is no indication of seasonally restricted use of the site and lithic and bone tool manufacturing via several different raw material reduction techniques was apparent over the last 1,000 years (Campbell 1981). Even though the longhouse that was standing during the early historic period at the Old Man House site is inferred to have been constructed after about AD 1800-1850, the Late period component of the site dating within the last 1,000 years is an extensive shell midden deposit that contains features and artificial and faunal evidence for a large settlement or village prior to Euroamerican contact (Schalk and Rhode 1985:43-44).

The cusperate foreland on which 45SN393 is situated provides an ideal base camp for hunting, fishing, and gathering. It is also advantageously situated near [REDACTED] Although the data collected to date do not indicate whether Point Elliott hosted a Native American winter village at any point or was primarily a smaller camp site, it was probably occupied at least intermittently year-round and saw interaction with the
Native communities that made use of the other major coastal sites in central Puget Sound as well as inland sites in the Puget Sound lowlands. A few finished lithic tools made of potentially exotic raw materials such as petrified wood and nephrite were found at site 45SN393, indicating trade or travel further abroad. Data collected so far firmly places the site within the culture-historical framework of the region. Larger samples of artifacts from 45SN393, however, including both tools and tool-making debris, would allow a more thorough comparison of the material culture and activities of the occupants of this site with that of others.

The Mukilteo Shoreline site has been shown to contain data classes useful for addressing important questions about the late prehistoric period in the central Puget Sound Region. The site also retains integrity of association and has been determined eligible by the Washington Department of Archaeology and Historic Preservation for listing in the National Register of Historic Places under Criterion D (Sterner 2011). While additional testing of the type already conducted would provide additional information, it would not alter assumptions of site potential or change the site’s NRHP eligibility.

**Old Mukilteo Townsite (45SN404)**

*Chronology and Site Formation*

Historic material from excavated trenches and test units in the Old Mukilteo Townsite (45SN404) (Figure 46) appears to be separable by age and location and attributable to buildings that functioned as hotel, restaurant, saloon, butcher shop and general store. Materials recovered from above the wooden decking of the Crown Lumber Company dates from the early twentieth century into the 1930s, and that below generally dates to the late nineteenth century. The Crown Lumber Company mill closed in 1930; however, the Bay View Hotel continued to operate through World War I and adjacent buildings still stood into the early 1920s. The butcher shop and company store stood vacant for a number of years after the mill closed and probably burned in 1938 along with the remaining mill buildings.

Site formation at Old Mukilteo can be further analyzed by the vertical and horizontal distribution of artifacts. Temporal markers suggest some of the assemblage from below wooden decking that supported stores operational prior to the closing of the Crown Lumber Company predate 1900. This material may have been directly deposited on surfaces at higher elevations like the berm location of the Bay View Hotel. Some may be from the enterprises built on piles and decking above the tideland, falling between cracks or discarded beneath buildings. A third source is the tides themselves, which may have moved floatable objects around the lagoon behind the berm at high tide or during storms. The artifact sample is relatively small; however, these artifacts provide valuable information regarding human activity during the various time periods the site was occupied.

*Trade and Commodity Flow*

Data classes found in the 45SN404 deposits are informative about both commerce and the preferences of Mukilteo residents for goods. Based on ceramic decorative techniques, residents of this site had a preference for tablewares of various decorative motifs and purchased some of the most popular wares of this time. Materials from European countries show ties between markets in these countries and those in the United States. Potteries in the United Kingdom dominated the tableware market in the United States into the twentieth century (Wegars 1982:3); the Old Mukilteo Townsite assemblage reflects this trend.
Embossing on glass artifacts found at the site suggests that foodstuffs were primarily packaged in the United States. Bottled products at this site were largely manufactured domestically, including many products made locally. Additional samples would likely provide more time depth to this discussion and illuminate the provisioning of a remote frontier settlement as it grew over 50 years and achieved integration into a national economic network fueled more by railroads than the sea transport that yielded British ballast bricks.

**Foodways**

The remains of foods consumed at Old Mukilteo and food containers were found during testing at 45SN404. These data classes answer questions about what people ate and how they prepared and served it. Faunal material included both domestic cow and sheep of a variety of wholesale cuts, as well as portions of less utility that were probably directly disposed of by the butcher. The presence of deer and fish bones in small numbers suggests the persistence of hunting and fishing for subsistence or recreation. Although plant remains were not found in the assemblage, jar parts indicate canning and food preservation. Fragments of tableware and serving pieces reflect service under both utilitarian and perhaps more elegant circumstances. Discerning between assemblages of food remains and containers that originated from the hotels, restaurants, and the store on the commercial block of Old Mukilteo, and between these contexts and the domestic households nearby, however, would require additional samples with good provenience.

**Social and Economic Status**

The artifact assemblage found at 45SN404 reflects a population comprised of several different ethnic and socioeconomic groups. The site was occupied as improved manufacturing techniques increased the variety of material culture available in the United States and as advertisement popularized products. The community was subject to great swings in prosperity and population size over the years and is one of a few locations in northwestern Washington that can provide a continuous record of availability of goods and their selection and use over time. Residents of Old Mukilteo purchased new, popular, and stylish products that replaced older ones. Artifacts from this site are a reflection of purchasing power and consumption by local residents.

The material culture recovered from 45SN404 can be used to answer questions about local and regional history. Controlled samples targeted to specific locations would allow additional comparison among temporally and spatially separated assemblages. The cultural material is in good condition and its distribution retains integrity of association. Based on the site’s potential to yield important historical information, the site has been determined eligible by the Washington Department of Archaeology and Historic Preservation for listing in the National Register of Historic Places under Criterion D (Sterner 2011). While additional testing of the type already conducted would provide additional information, it would not alter assumptions of site potential or change the site’s NRHP eligibility.
Japanese Gulch Site (45SN398)

Testing and data recovery excavations in the Japanese Gulch Site (45SN398) (Figure 46) yielded a wealth of information about the material culture of the early twentieth century Mukilteo Japanese community. The recovered artifacts indicate Japanese Gulch residents selectively adopted Western products out of convenience or necessity, but continued to buy available Japanese goods. Artifact data in conjunction with historical records and ethnographic interviews provide insight into the everyday lives of Japanese Gulch residents, documenting a working-class community that turned its segregation and disadvantaged position into a source of social cohesion. Research questions focusing on the social and cultural aspects of information collected at the Japanese Gulch Site were successfully addressed, laying the groundwork for further inquiries into the lives of Japanese immigrants prior to World War II. As a result of the archaeological investigations, both 45SN398A and 45SN398B were shown to contain important historical information and both were recommended as contributing to National Register eligibility of site 45SN398. Japanese Gulch Site (45SN398) was subsequently determined eligible by the Washington State Department of Archaeology and Historic Preservation for listing in the NRHP under Criterion D, for the valuable information it has contributed, and could potentially contribute, regarding a previously little-known segment of early Mukilteo society (Sterner 2011; White et al. 2009). While additional testing of the type already conducted would provide additional information, it would not alter assumptions of site potential or change the site’s NRHP eligibility.

Point Elliott Treaty Site (45SN108)

Commemoration of the Point Elliott Treaty has been undertaken several times because of the importance of this event to local, state, and national history. Linking the event to a physical location, however, has always been difficult, although most ceremonial events, including the placement of commemorative monuments, have taken place on public land at the Mukilteo State Park (now Mukilteo Lighthouse Park). The nature of the landform, its ethnographic stature as an important camping and gathering place, and the historic record all suggest that a broader geographic definition of site 45SN108 (Figure 47), which was created essentially as a surrogate for the actual location, is warranted. The arcing berm that existed prior to placement of extensive fill has been identified on maps, in photographs, and through geotechnical probes. This landform had to accommodate an estimated 2,300 people divided into numerous bands for the treaty meetings. Given that January tides are high, the tidal lagoon behind the berm was unlikely to be used for campsites. Canoes were pulled up onto the berm and camps made there on the lee slope – as they had been in centuries past on the evidence from 45SN393 – or along the more sheltered areas at the toe of the slope south of the tidal lagoon. The exact location where Stevens and Indian leaders made speeches and the treaty was signed remains uncertain. Yet the choice of Mukilteo as the gathering place was clearly a strategic one based on centrality for the many bands and tribes who had to travel there and accessibility to the government negotiators who traveled by steamer and had to anchor and repeatedly unload treaty goods and other supplies.

The Point Elliott treaty site is recommended significant, that is eligible, under National Register Criterion A for its association, both nationally and regionally, with the history of Indian-white relations and development of Federal Indian policy during the last half of the nineteenth century. The treaty, signed at Point Elliott on January 22, 1855, was one of a series that represented a major change in relations with the Indian nations in the northwestern United States. The treaty brought Indian groups into
This image has been redacted.
complex legal relationships with the United States government, which recognized tribal sovereignty and
certain basic cultural needs, including fishing rights, but also increased federal control and limited the
Indian land base to specific reservations. The treaty also cleared title to Puget Sound lands, easing
Anglo-American settlement. At the same time it was one of the causes of the warfare between Indians
and whites that swept the state in the 1850s.

The treaty site is also recommended significant under National Register Criterion B for its association
with Governor Isaac Ingalls Stevens of Washington Territory, who was also head of the northern railroad
survey and superintendent of Indian affairs for the territory. Stevens was one of the most aggressive
treaty negotiators in the country, concluding ten treaties with representatives of the majority of tribes
in the Pacific Northwest. The Treaty of Point Elliott was the second of the treaties concluded with tribes
west of the Cascades and included land that was to become the most populous area of the entire Pacific
Northwest. Equally important is the site’s association with a number of major Indian leaders of the
Puget Sound region including Seattle, Patkanim, Goliah, and Chowitshoot, who were recognized by the
Stevens party as the main chiefs representing the tribes during the Point Elliott treaty-making process.

As noted under the Old Mukilteo Townsite (45SN404) discussion above, a few clay tobacco pipe
fragments and a bead were recovered in 2009 during test excavations at the proposed site of a
stormwater pond, (Ferland et al. 2010). These
finds may be evidence of the treaty/trading post period in the area, suggesting the potential for
45SN108 to contain archaeological information that could qualify the site for National Register listing
under Criterion D.

As discussed in the Tribal Coordination section of the report, portions of the 45SN108 site vicinity may
also be eligible for the NRHP under Criterion A or other criteria as a traditional cultural property,
significant in maintaining the living culture of one or more modern Native American groups.
Consultation between WSF and FTA and interested Native American tribes regarding the possibility of
TCPs in the project area is at an early stage.

The broader 45SN108 property boundaries shown in Figure 47 encompass the original landforms of
cuspate foreland, toe of slope, and alluvial fan at the mouth of Japanese Gulch Creek. The site retains
integrity of location, association, and setting, although, much like an historic battlefield, its physical
appearance has changed since 1855. The land is now covered with fill and buildings dot the north facing
shore. Significant open space, however, is retained at the park south of the Mukilteo Lighthouse. In
some ways the location of the property is more important than its appearance. The events at Mukilteo
required centrality and accommodation, characteristics represented by the elements of location and
setting. Site 45SN108 retains integrity of location between the territories of the Lummi and Duwamish
people. It will always be near Skagit Head, the Snohomish River mouth, Possession Sound and other
important historic geographic landmarks and within the traditional territory of the Tulalip Tribes.
Mukilteo is still level land next to the sea where gatherings can be hosted, some beaches remain
accessible to canoes, and integrity of setting and feeling is reflected in the expansive view of the sea
(Figure 48). To date, the Washington Department of Archaeology and Historic Preservation has not
evaluated the NRHP eligibility of site 45SN108.
Figure 48. Annual Canoe Journey stop at Mukilteo, July 2007.

Mukilteo Light Station (45SN123)

The Mukilteo Light Station (45SN123) (Figure 46) was listed in the National Register is Historic Places on October 21, 1977; the complex has also been placed on the Washington Heritage Register (Washington Department of Archaeology and Historic Preservation 2011). The Light Station is significant under NRHP Criterion C as a well-preserved and typical example of late nineteenth/early twentieth century Pacific Northwest lighthouse complexes produced by the federal Light House Board. The Mukilteo Light Station is also historically significant under Criterion A for its association with the maritime history of Puget Sound (Andrews 2008; Rinck and Heideman 2008).

Off-Shore Resources

A ship’s anchor and chain were identified in 1981 near [REDACTED] (Green 1981). These remains may be evidence of the S.S. Glide, an 1883 steamship that reportedly sank in the Point Elliott vicinity; the presence of a shipwreck, however, has not been confirmed. As a single anchor, without confirmed association with a NRHP-eligible property, the anchor does not appear to meet the criteria for NRHP eligibility. The S.S. Glide burned before sinking and Kaehler et al. (2005:16) recommended any possible ship remains not eligible for listing in the National Register of Historic Places due to loss of integrity from foundering and burning prior to sinking.
Buildings and Structures Recommended Not Eligible for the NRHP

As noted in Chapter 3, nine cultural resources within the APE are recommended not eligible for NRHP listing: the Mukilteo Explosive Loading Terminal (MELT) Barracks (MM-04), MELT Pier (MM-02), MELT Firehouse (MM-01), MELT Superintendent’s Office (MM-06), DFSP Tank Farm (MM-03), SR 525 Overpass, Diamond Knot Ale House, Ivar’s at Mukilteo, and the existing Mukilteo Ferry Terminal (31-339). Alteration of these nine resources, including demolition, will have no effect on significant cultural resources. Avoidance of impact to these nine resources is unnecessary.

4.2 Assessment of Effects

This assessment of effects is based on conceptual design information for the alternatives as described in the Draft EIS. The preliminary designs do not yet include detailed plans for grading, utility installation, and storm water systems. However, the conceptual designs indicate areas where excavation may occur or fill would be used, including the locations of utility corridors and building or structure foundations. WSF will develop the design for the preferred alternative to limit ground disturbance to the fullest extent possible. The following assessment focuses on actions described for each alternative.

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Examples of adverse effects include physical destruction or damage; certain restoration, rehabilitation, repair, or other alteration; relocation of a property from its historic location; change in the character of a property's use or of the physical features of the setting; introduction of visual, atmospheric, or audible elements that diminish the property's integrity; neglect that causes deterioration; and transfer, lease, or sale of property out of federal ownership or control without adequate preservation controls (36 CFR 800.5).

For archaeological sites, such as the Mukilteo Shoreline Site (45SN393), Old Mukilteo Townsite (45SN404), and Japanese Gulch Site (45SN398), adverse effects result from damage to artifacts and to integrity of association among artifacts and cultural and natural sediments. Disruption of these relationships severely limits the ability to interpret a property in a meaningful manner. Since the three archaeological sites identified in the APE lie beneath historical period fill, such disruption is most likely to occur through excavation deep enough to penetrate the protective fill layer.

WSF anticipates that placement of three feet of fill in many areas and no more than five feet of fill at any given location would protect the archaeological properties present. This added fill is expected to have little effect on artifacts already subject to pressure from several feet of similar material.

Native American tribes have identified one or more traditional cultural properties in the project area. Project effects on Native American traditional cultural properties must be determined in consultation with the interested tribes.
CONSTRUCTION ELEMENTS

The following construction elements, which could intersect archaeological deposits, will be undertaken in most of the alternatives; for some the design is identical in all alternatives.

1. **Demolish Existing Buildings:** Demolition of the existing buildings will require removal of the existing concrete pads and foundation footings creating ground disturbance to depths of about 2 feet. The water, sewer, gas, and electric services at Front Street will need to be abandoned. Depending on the City of Mukilteo requirements, the contractor may be required to excavate to the water/sewer main in Front Street to abandon the service connection.

2. **Construct Buildings:** Depth of disturbance for construction of shallow footings for new buildings will be less than 2 feet. Where fill is being added, the footings will be entirely in fill.

3. **Install New Utilities:** New power, gas, and communications lines would have a minimum cover of between 2 and 3 feet. Depending on the requirements of the City, and where existing facilities are located, trench excavation of (give max depth anticipated) feet may be needed to extend services to the new buildings.

4. **Construct Bulkheads:** Bulkheads would consist of sheet piles driven seaward of existing bulkheads at Front Street or driven just behind the top of riprap at the Tank Farm. Existing bulkheads will also require excavation for tiebacks between Front Street and the bulkhead.

5. **Install Structural Earth Retaining Wall:** Limited excavation, to a maximum depth of 5 feet, is required to install the leveling pad for the wall.

6. **Install Storm Sewer System:** Excavation would be to a maximum depth of 5 feet to install the storm sewer system and to connect to existing storm water pipes.

7. **Demolish Existing Containment Pad, Dike Wall and Tank Foundations:** Portions of the existing asphaltic concrete pad, and the foundations for the holding tanks and dike walls will need to be demolished and removed to allow the installation of water, storm and sanitary sewer infrastructure. Disturbance from removal of these features will extend to a maximum depth of 3 feet below the surface.

8. **Install Water Main and Sanitary Force Main:** To meet the requirements of the Mukilteo Water District and the Mukilteo Fire Department, installing the water main and sanitary force main will require a maximum dept of 6 feet.

9. **Daylight Japanese Creek:** A portion of Japanese Creek that is currently conveyed across the site in a culvert will be day lighted as part of this project. The depth of excavation is unknown at this time. (This element occurs only in the Elliot Point 1 alternative.)

10. **Install Overhead Loading System:** The proposed overhead loading system will have to be supported by a drilled shaft, up to 80’ deep. The drilled shaft will be in water and will not be within the known limits of 4SSN383.

Comparing the locations of the construction elements and the locations of the eligible archaeological properties allows identification of potential adverse effects associated with ground disturbance (Table 18). The comparison considers both horizontal and vertical disturbance. Some project activities involve ground disturbance but do not extend deeply enough to encounter cultural material. Figures 49, 50, and 51 present selected stratigraphic cross sections for each alternative and the position of site matrix
Table 18. Assessment of Potential Adverse Effects by Alternative.

<table>
<thead>
<tr>
<th>ACTION</th>
<th>POTENTIAL EFFECT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No Build</td>
</tr>
<tr>
<td>Demolition</td>
<td>Redacted</td>
</tr>
<tr>
<td>Construct Buildings</td>
<td></td>
</tr>
<tr>
<td>Install New Utilities</td>
<td></td>
</tr>
<tr>
<td>Bulkhead Construction</td>
<td></td>
</tr>
<tr>
<td>Install Structural Earth Retaining</td>
<td></td>
</tr>
<tr>
<td>Wall</td>
<td></td>
</tr>
<tr>
<td>Install Storm Sewer System</td>
<td></td>
</tr>
<tr>
<td>Demolish Existing Containment Pad,</td>
<td></td>
</tr>
<tr>
<td>Dike Wall, and Tank Foundations</td>
<td></td>
</tr>
<tr>
<td>Install Water Main and Sanitary</td>
<td></td>
</tr>
<tr>
<td>Force Main</td>
<td></td>
</tr>
<tr>
<td>Daylight Japanese Creek</td>
<td></td>
</tr>
<tr>
<td>Install Overhead Loading System</td>
<td></td>
</tr>
</tbody>
</table>

+ = Activity is part of the alternative but will have no effect on NRHP-eligible resources.
-- = Activity is not part of the alternative.

relative to construction activities. These stratigraphic cross sections were selected because they encompass several ground-disturbing activities.

Project elements with the greatest potential to cause new disturbance to intact archaeological deposits differ with each alternative.
- Existing Site Improvements: demolishing the existing passenger building and adjacent structure and excavation for removal and installation of utilities.
- Elliot Point 1: daylighting Japanese Creek.
- Elliot Point 2: trenching for new utility installation

No Build

The Mukilteo Shell Midden Site, 45SN393, is about

Adverse effects may occur if the midden extends

existing in-water terminal facilities has low potential to encounter significant cultural material.
This image has been redacted.
This image has been redacted.
This image has been redacted.

Figure 51. Stratigraphic cross sections for transects L-L' through O-O' showing correlated borehole data (see Figure 49 for cross section locations). Areas of lighter shading are interpolations between boreholes.
This image has been redacted.
Existing Site Improvements

The Mukilteo Shell Midden Site, 45SN393, is

Roadway and holding lanes over sites are not expected to adversely affect subsurface material. Removal of the existing in-water terminal facilities has low potential to encounter significant cultural material.

Elliot Point 1

The Elliot Point 1 alternative moves the terminal

Removal of the MELT pier would not disturb significant historic or pre-contact cultural material.

Elliot Point 2

The Elliot Point 2 Alternative moves the terminal and its facilities to

Elliot Point 1, removal of the MELT pier would not affect significant historic or pre-contact cultural resources.
This image has been redacted.
This image has been redacted.
This image has been redacted.
Construction of the MMP, under any alternative, would not change the characteristics that qualify the Point Elliott Treaty Site (45SN108) or the Mukilteo Light Station (45SN123) for the National Register. The Treaty Site’s location, association, and setting would remain unchanged, while the Light Station’s location, association, setting, design, materials, and workmanship would remain unaltered. Project effects on Native American traditional cultural properties must be determined through consultation with the interested tribes.

There is limited potential for project activities to encounter additional buried archaeological material, separate from what has already been recorded. In general, much of modern Point Elliott consists of filled lagoon or wetland, a landform that would not have been conducive to pre-contact Native American residential activities (Figure 49). The discovery of lagoon or wetland deposits is a good indicator that concentrated pre-contact cultural material, like a shell midden, will not occur. Separate Native American cultural material (Kaehler et al. 2006); however, borehole data shows the Mukilteo Shoreline Site midden to thin and to deepen (Figures 54 and 55). The limited excavations at the Japanese Gulch site, did not identify any pre-contact cultural material or deposits.

### 4.3 Mitigation

Several of the potential adverse effects described above are conditional, dependent on the requirements of the City of Mukilteo. For example, the City may require removal of abandoned utilities, or new utilities may be installed in existing trenches. Careful mechanical excavation under the observation of a qualified archaeological monitor, guided by a monitoring and discovery plan, will ensure that new disturbance to intact archaeological deposits is limited. Disturbed archaeological site spoils, wherever encountered, would be screened to recover formed objects and to ensure that any human remains that might be present are properly treated.

Intersection of construction with buried archaeological sites can be avoided for most storm sewer system elements, building construction, and the structural earth retaining wall by raising the existing ground surface and hence the depth of excavation relative to known site location. All of these operations would be monitored by a qualified archaeologist under the guidance of a monitoring and discovery plan. Any disturbed midden would be screened for formed objects and to ensure that any human remains that might be present are properly treated. Discovery of intact archaeological deposits would cause a halt in the construction and negotiation on appropriate treatment of the discovery before work could proceed.

If construction of an element would adversely affect a NRHP-eligible property and the element cannot be redesigned to avoid the adverse effect, mitigation measures must be developed, in consultation with the Washington Department of Archaeology and Historic Preservation and appropriate consulting parties, prior to project implementation. Because archaeological sites are important in large part for the information they contain, salvaging such information may be a way to minimize adverse effects. Therefore data recovery often constitutes mitigation for anticipated adverse impacts to significant archaeological sites. Appropriate mitigation for adverse effects to NRHP-eligible traditional cultural
properties, significant to Native American groups, would be determined in consultation with DAHP and affected tribes.

4.4 CONCLUSION

This discipline report has reviewed the history of the Mukilteo vicinity, the work conducted to date, and the cultural resources recorded. Construction as currently understood has the potential to intersect significant historic site remains under all four of the alternatives, including the No-Build alternative. If project activities penetrate through existing or newly deposited fill, archaeological sites beneath the fill may be damaged. If, however, construction is limited to the fill, the project will not adversely affect archaeological resources. Project effects on Native American traditional cultural properties and appropriate mitigation measures must be determined in consultation with the interested tribes.

Final recommendations of effect and potential mitigation will occur following selection of the EIS Locally Preferred Alternative and further design refinement.