

## Appendix E: California Tribes and Tribal Communities

This appendix provides information submitted by California Tribes and Tribal Communities in the MLPA North Coast Study Region. California Tribes and Tribal Communities were invited to submit information to be included, verbatim, in a special appendix to the regional profile as supplemental to the information provided in sections 5.2 (*Native American Tribes and Tribal People*) and 7.1 (*Federal, Tribal, State, and Local Jurisdiction and Programs*) of this regional profile. The information included in this appendix has been included as it was submitted to the MLPA Initiative and has not been edited by MLPA Initiative staff. The pages that follow are exactly as they were submitted, except that page numbers have been added which continue the page numbering of this regional profile. Information in the appendix is organized alphabetically, as follows:

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Please note: The content included in this appendix was not created by MLPA Initiative staff nor does it reflect the views or opinions of the California Department of Fish and Game, California Department of Parks and Recreation, or the MLPA Initiative.



**BEAR RIVER BAND of ROHNERVILLE RANCHERIA**  
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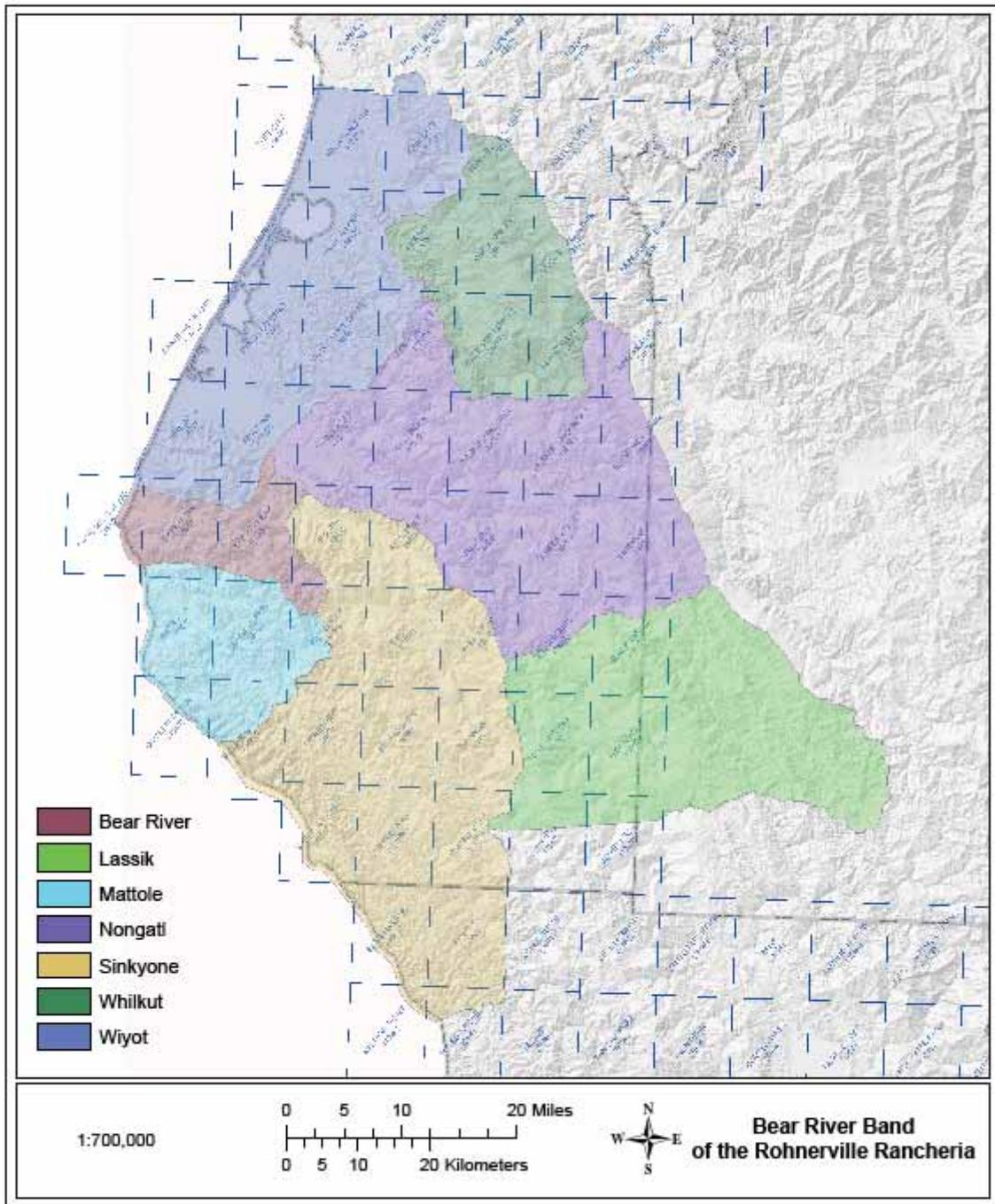
RE: Bear River Regional Profile

The Bear River Band of Rohnerville Rancheria regional profile includes sections on the history of the tribe as it relates to federal recognition, an overview of the historic coastal land use and an overview of contemporary life among the tribe. This profile is intended to bring a broad understanding to the reader and is not comprehensive in any manner. Identifying specific information with regard to the location of prehistoric (or contemporary) use areas is not appropriate in a document of this sort. There are tables of archaeological species documented as being utilized in the past; this list is neither complete nor comprehensive as archaeological data is jaded as a function of preservation, if faunal remains do not preserve then they are not captured in archaeological recovery projects.

The Bear River Band of the Rohnerville Rancheria is located on a rural parcel of Federal Trust land located two miles east of Loleta, CA. It overlooks the mouth of the Eel River and the Pacific Ocean; this land lies within the ancestral territory of the tribes served by the Bear River Rancheria. Tribal lands now amount to 191 acres, of which 62 are trust lands. The Tribe currently has 400 members.

The Rohnerville Rancheria was established in 1910 as a refuge for dispossessed Indian people. It drew in members from various tribes in the area. The Rancheria was terminated following the California Rancheria Act of 1958, and was reinstated after the Tillie Hardwick vs. United States case of 1983. The Bear River Band of the Rohnerville Rancheria is federally recognized as having members from the Bear River/Mattole tribes and the Wiyot tribes. Its members have direct ancestral links to each of the local tribes, and principally to the Wiyot, Bear River, Mattole, Lassik, Nongatl, Sinkyone and Whilkut. The members of Bear River are active in hunting and gathering, ceremony, traditional manufacturing and many other aspects of continued use of traditional resources.

## Aboriginal Territory



Since the Rancheria's inception a century ago, Bear River has established itself as one of the most progressive tribes in the area. It has a tribal government composed a tribal council and an elected chair and a constitution. It has established numerous other administrative offices: a Historic Preservation Office, an Environmental Department, and Administration on Aging Department, a Child Care

Department, a Library, and a Tribal Social Services Department. Five years ago, the Tribe opened a casino and in 2009 it opened a gas station. In short, the Tribe has demonstrated great resourcefulness in developing self-funded and state and federal funded projects.

#### Historic Coastal Land Use

The Bear River Band of Rohnerville Rancheria has been active participants, proponents of and has conducted archaeological research for over two decades. The tribe believes that archaeological research is an aspect of their history is a legitimate resource that should be fully understood in order to provide a holistic understanding of their past. A part of this research includes ethnographic research as a tool to document the words of their ancestors. Both of these tools, archaeology and ethnography have been utilized to the benefit of the tribe and some of the information gathered over the past two decades is presented here.

Ethnographic works along coastal areas includes Llewellyn Loud's *Ethnogeography and Archaeology of the Wiyot*, Gladys Ayers Nomland's *Bear River Ethnography* and Pliny Earle Goddard's compilation of field notes. The archaeological data gathered by Loud (1913) is included below as a synthesis of species represented in the archaeological record. However, Loud is very clear in his work that substantial coastal resource use was being practiced during his brief visit to Wiyot territory. There is clear evidence in Loud (1913) of coastal resource use at each of the sites listed below, all are associated with either the ocean or Humboldt Bay and all were major use areas in 1850 and most were in use in 1908 when Loud visited with the Wiyot people.

- Site 1, tā-pel-o, “ʔ-flint”
- Site 2, plet-kosom-ili, “rock-small-ʔ”
- Site 4, kōlikēʹmeʹʹ
- Site 6, chumīʹ, djōme
- Site 7, gwisokʹʹ
- Site 9, betsērʹʹ
- Site 14, hotwaiyorwok
- Site 17, iugutkuk
- Site 19, tsērketʹsokʹʹ
- Site 26, lekaliwil, sgekeliwisg
- Site 31, tokalewik, tokelibest, tokalibwil
- Site 32, tāgoriok
- Site 33, tāpōʹt, howetotōl
- Site 34, mōleʹl
- Site 34, (graves), witāchwhāyuwin
- Site 36, bikatslikātwayāwik, bēgutʹsglits
- Site 39, mīpaʹt
- Site 48, plets-wok, “rock-at”
- Site 58, ikatchipi
- Site 65, tōlōiaplik
- Site 67, tōlōwot
- Site 68, etpidol wotpērōl
- Site 73, kutserwalikʹʹ
- Site 77, iksoʹri
- Site 78, chwānochkok
- Site 79, djorōkēgochkok
- Site 80, mōrolrok
- Site 83, dolawotkuk
- Site 84, topōrok
- Site 86, potatoli
- Site 88, ātwhutkārūwiltaliwēl
- Site 90, toktowoka
- Site 91, kosubopla
- Site 92, sowokwokērtsokowēl
- Site 93, yowo
- Site 98, tsok
- Site 100, yawonawoch
- Site 102, tolēl
- Site 104, twetkoka, twetkokʹkēr

Figure 1 Wiyot Villages

Loud indicates that there was intensive use of coastal areas during the ethnographic period through an unknown time depth (very little chronometric resources were available to him). Surf fishing and clamming occurred on the sandy beaches, salmon, Eel and sturgeon fishing on the Mad and Eel Rivers, mussel and seaweed gathering along rocky shores and many places of spiritual significance were identified along the coast.

Glady's Ayers Nomland worked with the ancestors of the Bear River Tribe proper. Self identified as the Nekannis, the people inhabiting the coast south of the Eel River through and past Bear River to the south, also utilized a significant portion of coastal resources. While very little formal archaeological work has been conducted in this area due to private ownerships, there is a modicum of ancillary data gathered through private collection revealing a consistent use of coastal resources when compared to the Wiyot and the Mattole and Sinkyone. The Nekannis also have spiritual areas located all along this coast. It appears that there is a continuum of spiritual and subsistence use that are inextricable from one another; all subsistence gathering is associated with a ceremonial or social function with spiritual connections.

Pliny Goddard's field notes provide insight into the words of the ancestor's of Bear River Band of Rohnerville Rancheria without editing. We have found these notes to be a direct historical account of the tribes represented at the Rancheria and their accuracy has been tested through archaeological field work and oral testimony of the membership at the Rancheria. Included in the documents are evidence of continued use of coastal resources through the 1920's and into the 1930's. Goddard documents evidence of continued inland trade of shells (various species), seaweed, surf fish, salmon and eels. Also important is evidence of sand as being used in ceremony. Many, if not all, of the onshore and offshore coastal rocks are identified as places of ceremony. Villages are strewn throughout the area and specific resource locations are identified. While resource procurement areas have changed over time, as is evidenced in the archaeological record, this resource is highly amenable to locational information for specific resources but as of now the only way to garner information is through a complete physical search of the documents, making the process cumbersome and time consuming.

| Baumhoff # | Goddard "A" # | Goddard "B" # | Village Name | Tribal Group        | Source    |
|------------|---------------|---------------|--------------|---------------------|-----------|
| 1          | 6             | --            | Sitcibi      | Mattole             | notecards |
| 2          | 7             | --            | Sesnoiko     | "                   | "         |
| 3          | 8             | --            | Sesnot       | "                   | "         |
| 4          | 9             | --            | Sedjildaxdin | "                   | "         |
| 5          | 10            | --            | Gotxenin     | "                   | "         |
| 6          | 11            | --            | Nebitta      | "                   | "         |
| 7          | 12            | --            | Sebiye       | "                   | "         |
| 8          | 13            | --            | Bekenoadin   | "                   | "         |
| 9          | 14            | --            | Lasaiduk     | "                   | "         |
| 10         | 15            | --            | Dzindin      | "                   | "         |
| 11         | 16            | --            | Sastecdin    | "                   | "         |
| 12         | 17            | --            | Senalindin   | "                   | "         |
| 13         | 18            | --            | Kailistci    | "                   | "         |
| 14         | 19            | --            | Saitcibi     | "                   | "         |
| 15         | --            | 1             | Bitcibi      | Shelter Cove people | "         |
| 16         | --            | 2             | Deci         | Kuskic              | "         |
| 17         | --            | 3             | Yinaki       | "                   | "         |
| 18         | 20            | --            | Seyetci      | Mattole             | "         |

|    |    |           |                    |                      |                    |
|----|----|-----------|--------------------|----------------------|--------------------|
| 19 | 21 | --        | Sedanadaaibi       | "                    | "                  |
| 20 | 22 | --        | Daxdeginkatik      | "                    | "                  |
| 21 | 23 | --        | Daaibi             | "                    | "                  |
| 22 | 24 | --        | Bisyetobi          | "                    | "                  |
| 23 | 25 | --        | Tcegilticexbi      | "                    | "                  |
| 24 | 26 | --        | Solkaiye           | "                    | "                  |
| 25 | 27 | --        | Djetxenin          | "                    | "                  |
| 26 | -- | --        | Djinsibbai         | " summer camp        | "                  |
| 27 | 28 | --        | Djibbedaxtukkabi   | "                    | "                  |
| 28 | 29 | --        | Natsinnadaat       | "                    | "                  |
| 29 | 31 | --        | Sedjegunkoldin     | "                    | "                  |
| 30 | 30 | --        | Djegaslinabi       | "                    | "                  |
| 31 | -- | 4         | Daloidin           | Upper Mattole people | "                  |
| 32 | -- | 5         | Djanoldin          | " " "                | "                  |
| 33 | -- | 6         | Saiqotlundin       | " " "                | "                  |
| 34 | -- | 7         | Godanindjaibi      | " " "                | "                  |
| 35 | -- | 8         | Nowillenebi        | " " "                | "                  |
| 36 | -- | 9         | Gonsakke           | " " "                | "                  |
| 37 | -- | 10        | Loitsiske          | " " "                | "                  |
| 38 | -- | 11        | Ikedin             | " " "                | "                  |
| 39 | -- | 12        | Liguclundin        | " " "                | "                  |
| 40 | -- | 13        | Lonitci            | " " "                | "                  |
| 41 | -- | 14        | Gacdulyaidin       | " " "                | "                  |
| 42 | -- | 15        | Djegullindin       | " " "                | "                  |
| -- | -- | -- (1-10) | 10 villages        | Upper Mattole people | Charlie1 notecards |
| -- | -- | --        | Djindillegaxye     | Mattole summer camp  | notecards          |
| -- | -- | --        | Innaslaibi         | " " "                | "                  |
| -- | -- | --        | Sekexge            | " " "                | "                  |
| -- | -- | --        | Kuntcegilcannebi   | " " "                | "                  |
| -- | -- | --        | Tcibbedaidildelebi | Mattole camp         | field notes        |
| -- | ?  | --        | Djmsibbai          | Mattole summer camp  | " "                |
| -- | ?  | --        | Setcobenindodin    | " " "                | " "                |
| -- | ?  | --        | Bennek             | " " "                | " "                |
| -- | ?  | --        | Djmsibbai          | " " "                | " "                |
| -- | ?  | --        | Dalabi             | Mattole village      | " "                |
| -- | ?  | --        | Keintcik           | " "                  | " "                |
| -- | ?  | --        | Sedunsodun         | " "                  | " "                |

Villages and Summer Camps: A Comparison of Lists

These three documents cover the bulk of the ethnographic information pertaining to coastal resource use and the subject tribes as represented by the Bear River Band of Rohnerville Rancheria. A multitude of archaeological reports serve to scientifically document the coastal resources taken during prehistory. We have provided information from a single site, presented below. These tables are draft documents and we are continuing this work for the MLPA process; updates will be available on an ongoing basis.

Table 5. Shellfish Representation by Weight (grams) in Strata of Unit SI.

| Stratum | Sea Urchin | Gumboot Chiton | Katy Chiton | Sea Mussel | Abalone | Prothaca | Limpet | Snail (Nucella) | Snail (Tegula) | Barnacle | Total   |
|---------|------------|----------------|-------------|------------|---------|----------|--------|-----------------|----------------|----------|---------|
| 8       | 0.33       | 7.06           | 9.72        | 516.03     |         |          | 4.57   | 4.99            |                | 0.5      | 543.2   |
| 9       | 2.57       |                | 0.48        | 781.97     |         |          |        |                 |                | 1.19     | 786.21  |
| 10      | 0.86       | 82.18          | 2.58        | 342.92     | 3.32    |          | 6.59   | 7.21            |                | 2.68     | 448.34  |
| 11      | 0.59       | 3.65           | 1.8         | 196.05     |         |          | 4.64   |                 |                | 0.67     | 207.4   |
| 12a     |            |                | 0.87        | 26.9       |         |          |        |                 |                |          | 27.77   |
| 12b     |            | 3.66           |             | 66.4       |         |          | 3.58   | 1.08            |                |          | 74.72   |
| 13      |            |                |             | 5.65       |         |          |        |                 |                |          | 5.65    |
| 14      | 2.6        | 14.16          | 1.21        | 285.15     |         |          | 1.12   | 0.3             |                | 8.78     | 313.32  |
| 15-17   |            |                |             | 0.63       |         |          |        |                 |                |          | 0.63    |
| 18      |            | 0.33           |             | 87.26      | 4.63    |          |        |                 |                |          | 92.22   |
| 19      |            |                |             | 200.97     |         |          |        |                 |                |          | 200.97  |
| 20      | 0.44       | 29.29          | 0.09        | 276.05     |         |          | 1.32   | 0.7             |                | 2.42     | 310.31  |
| 21      |            | 6.54           |             | 84.87      |         |          | 0.91   |                 |                | 2.3      | 94.53   |
| 22      |            | 20.92          | 0.99        | 144.67     |         |          | 2      | 3.26            | 1.02           |          | 172.86  |
| 23      | 28.86      | 4.12           | 1.49        | 119.84     |         |          | 2.1    | 1.88            | 11.34          | 5.31     | 174.94  |
| 24      |            | 6.95           |             | 118.62     |         |          | 2.49   |                 |                |          | 128.06  |
| 25      | 0.09       |                |             | 351.28     |         |          | 4.83   |                 |                | 2.77     | 358.97  |
| 26      | 0.56       | 1.5            | 3.84        | 251.25     |         | 1.87     | 1.25   | 5.93            | 2.46           | 5.85     | 274.51  |
| 27      | 0.12       |                | 0.46        | 244.56     |         |          | 0.63   | 3.16            | 1.82           | 1.77     | 252.52  |
| 28      | 0.1        | 56.4           | 3.76        | 291.69     |         |          | 1.99   | 2.33            | 9.27           | 0.32     | 365.86  |
| 29      | 0.42       |                | 7.96        | 1409.67    |         |          | 1.18   |                 | 20.2           | 12.5     | 1451.93 |
| 30      |            | 12.32          | 1.12        | 58.67      |         |          | 0.35   |                 | 0.82           | 0.66     | 73.94   |
| 31      | 0.16       | 40.95          | 7.71        | 163.81     |         |          | 1.54   |                 | 7.53           | 0.75     | 222.45  |
| 32      |            | 1.13           | 2           | 91.64      |         |          | 0.32   | 0.64            | 8.99           | 1.63     | 106.35  |
| 33      | 1.37       | 40.57          | 13.5        | 156.43     |         |          | 33.48  | 2.96            | 24.95          | 3.73     | 276.99  |
| 34      | 0.68       | 9.07           | 3.48        | 173.03     |         |          | 3.37   |                 |                | 0.92     | 190.55  |
| 35      | 10.21      |                | 14.73       | 1105.96    |         |          | 5.93   |                 |                | 4.99     | 1141.82 |
| Total   | 49.96      | 340.8          | 77.79       | 7551.88    | 7.95    | 1.87     | 84.19  | 34.44           | 88.4           | 59.74    | 8297.02 |
| % Total | 0.01       | 0.04           | 0.01        | 0.91       | 0.00    | 0.00     | 0.01   | 0.00            | 0.01           | 0.01     |         |

Table 9. NISP of Mammalian Fauna at PGRS by Unit

| Latin Name                   | Common Name                    | Oth        | W          | EI         | SI          | SII         | SIII       |
|------------------------------|--------------------------------|------------|------------|------------|-------------|-------------|------------|
| Small Mammal                 |                                | 1          | 2          | 5          | 3           |             |            |
| Medium mammal                |                                | 1          |            | 5          | 3           | 3           | 10         |
| Large mammal                 |                                | 2          |            | 11         | 39          | 6           | 12         |
| mammal                       |                                | 35         | 15         | 39         | 65          | 34          | 51         |
|                              |                                |            |            | 0          | 0           | 0           |            |
| Carnivora                    | Carnivores                     |            |            | 3          | 14          | 0           |            |
| <i>Procyon lotor</i>         | Raccoon                        |            |            | 19         | 3           | 0           | 1          |
| <i>Enhydra lutris</i>        | Sea Otter                      | 7          | 1          | 12         | 125         | 16          | 111        |
| <i>Mephitis sp.</i>          | Skunk                          |            |            | 1          | 0           | 0           |            |
|                              |                                |            |            | 0          | 0           | 0           |            |
| <i>Marine Mammal</i>         |                                |            |            | 6          | 7           | 29          | 8          |
| Pinniped spp.                | Seals, Sea Lions and Fur seals | 89         | 31         | 75         | 239         | 347         | 49         |
| <i>Otariidae sp.</i>         | Sea Lions and Fur seals        | 73         | 46         | 166        | 261         | 442         | 287        |
| <i>Callorhinus ursinus</i>   | Northern fur seal              | 1          |            | 11         | 7           | 12          | 1          |
| <i>Eumetopias jubatus</i>    | Steller sea lion               |            | 1          | 2          | 22          | 29          | 4          |
| <i>Zalophu californianus</i> | California lion                | 12         | 3          | 25         | 79          | 106         | 72         |
| <i>Phoca hispida</i>         | Harbor seal                    |            |            | 0          | 4           | 3           | 0          |
| Cetacea spp.                 | Whales                         |            |            | 0          | 0           | 4           | 1          |
|                              |                                |            |            | 0          | 0           | 0           |            |
| <i>Artiodactyl sp.</i>       | Even-toed ungulates            | 41         | 15         | 59         | 74          |             |            |
|                              |                                |            |            |            |             | 118         |            |
|                              |                                |            |            | 0          | 0           | 0           |            |
| <i>Odocoileus hemionus</i>   | Black-tailed Deer              | 1          | 1          | 4          | 79          | 59          | 74         |
| <i>Cervus elaphus</i>        | Elk                            |            |            | 0          | 1           | 2           |            |
|                              |                                |            |            | 0          | 0           | 0           |            |
| Rodentia sp.                 | Rodents                        | 1          |            | 13         | 11          | 3           | 6          |
| <i>Alpodontia rufa</i>       | Mountain Beaver                |            |            | 1          | 0           | 1           |            |
| <i>Sciridae sp.</i>          | Squirrels                      | 1          |            | 1          | 5           | 4           |            |
| <i>Spermophilus sp.</i>      | Ground Squirrels               | 1          |            | 0          | 0           | 0           |            |
| <i>Thomomys bottae</i>       | Bottae's Gopher                |            |            | 0          | 2           | 1           |            |
| <i>Neotoma sp.</i>           | Wood Rats                      |            |            | 0          | 1           | 0           |            |
| <i>Microtus sp.</i>          | Voies                          | 2          |            | 17         | 0           | 4           |            |
| <b>Total</b>                 |                                | <b>268</b> | <b>115</b> | <b>475</b> | <b>1044</b> | <b>1223</b> | <b>775</b> |

Table 12. Avian NISP by Unit at PGRS.

|                        | EI         | EII       | Other     | SI         | SII        | SIII       | W         | Total      |
|------------------------|------------|-----------|-----------|------------|------------|------------|-----------|------------|
| Bird                   | 15         |           | 1         | 52         | 10         | 2          | 2         | 82         |
| very small bird        |            |           |           | 2          | 1          |            |           | 3          |
| Small bird             | 3          |           |           | 6          | 5          | 1          |           | 15         |
| Medium bird            | 58         | 19        | 17        | 102        | 100        | 43         | 4         | 343        |
| Medium to Large Bird   | 2          |           | 1         | 8          | 18         |            | 1         | 30         |
| large bird             | 15         | 1         | 7         | 37         | 39         | 12         | 1         | 112        |
| very large bird        |            |           |           |            | 1          | 2          |           | 3          |
| Grebe                  |            |           |           |            |            |            |           | 2          |
| pie-billed-grebe       |            |           |           | 2          |            |            |           | 2          |
| Western Grebe          |            |           |           | 2          |            |            |           | 2          |
|                        |            |           | 2         |            |            |            |           |            |
| Fulmar and Sheerwaters | 4          | 6         |           | 4          | 7          | 2          |           | 23         |
| Pelican                |            |           |           | 1          |            |            |           | 1          |
| Cormorant              | 15         |           | 7         | 40         | 31         | 25         | 1         | 119        |
| Hérons and Bitterns    |            | 1         |           |            |            | 2          |           | 3          |
| waterfowl              | 1          |           |           |            | 1          |            |           | 2          |
| Ducks, Geese, Swans    |            |           |           | 1          |            |            |           | 1          |
| Geese                  | 10         |           | 1         | 15         | 20         | 1          | 1         | 48         |
| Duck                   | 1          |           |           | 1          | 1          | 3          |           | 6          |
| Dabbling duck          | 1          |           |           | 2          |            | 1          |           | 4          |
| Red Tail Hawk          |            |           |           | 3          | 1          | 4          |           | 8          |
| Quail                  | 1          |           |           |            |            |            |           | 1          |
| Rails                  |            |           | 1         |            |            |            |           | 1          |
| shorebird              |            |           | 3         |            |            |            |           | 3          |
| Sandpipers             | 6          |           |           | 6          | 13         | 4          |           | 29         |
| gull                   | 7          |           | 1         | 17         | 16         | 7          | 1         | 49         |
| Auks                   | 6          |           | 5         | 9          | 4          |            |           | 24         |
| Common Murre           | 7          |           | 1         | 2          | 7          | 1          |           | 18         |
| Crow                   |            |           |           | 2          | 1          |            |           | 3          |
| Scrub Jay              |            |           |           |            | 1          | 6          |           | 7          |
| <b>Total</b>           | <b>152</b> | <b>27</b> | <b>47</b> | <b>314</b> | <b>277</b> | <b>116</b> | <b>11</b> | <b>944</b> |

The data gathered in archaeological projects is also a function of the scope of the project and we have noticed that, in particular fish bone is under-represented. On the other hand, what we do have reveals that resource take changes over time, almost certainly in reaction to on the ground conditions, whether that be climate change, resource change, or management practices. In addition, we see that location of resource take changes based on resource availability. While one rock is full of mussels one year, another may be better the next. The same seems to be true for all resources, archaeologically speaking we have a relatively good understanding that these resources were actively managed and models of take methods have been applied throughout California to identify management practices through time. Without detailing this research, suffice it to say that archaeological research shows that resource subsistence take changes in species breadth, location, and individual species population take over time in a non-linear fashion indicating adaptive management practices both spatially and temporally. People have managed coastal resources for at least 12,000 years and in certain areas of California chronometric information to date yields initial use as early as 15,000 years ago. These dates have, and will continue to get earlier as we conduct more research.

One certainty within the archaeological record is that management and take of subsistence resources changes directly with environment. This, in the opinion of the Bear River Band of Rohnerville Rancheria precludes us from identifying contemporary areas of subsistence, ceremonial and traditional use to the MLPAL. The changing nature of the environment and the location of specifically subsistence resource take change together, we cannot identify where take will occur in the future and do not feel comfortable giving up the sovereign rights of the descendants of the Tribe to gather in specific areas, this is one reason the Bear River Band of Rohnerville Rancheria recommends that tribes be exempt from restrictions within the proposed and implemented protected areas.

#### Contemporary Use

The membership of the Bear River Band is active in both traditional subsistence gathering for a multitude of purposes and participates in and hosts ceremonial functions. There are many activities that fall into this category that will be affected by the institution of protected areas through this Act. The membership is active in ceremony which requires coastal resources, subsistence gathering, and traditional gathering and use of coastal resources in the manufacture of many items. The practices, their methods and location of take are known and managed by individuals and families. The product of these activities are shared throughout the tribe in traditional ways. Many of the activities are kept secret as personal knowledge and passed down only to heirs (familial or not), the traditional form of passing knowledge. In this light, passing along knowledge to strangers (MLPA) is contrary to tradition, endangering that resource for the future. Suffice it to say that what we see in the archaeological and ethnographic records are but a sampling of what continues on into the future at the Bear River Band of Rohnerville Rancheria.





Cher-Ae Heights Indian Community of the Trinidad Rancheria

*The People, The Land, The Water*



## **DEDICATION TO OUR TRINIDAD RANCHERIA ELDERS - Wo-'khlew!!**

### **Vision Statement**

***“Honoring the Past, Living in the Present, Looking Towards the Future”***

We would like to Honor our Rancheria Elders, the founding members of our Tribal Government. These Original Assignees, through their hard work, perseverance, and spirit of new beginnings, have been inspirational to our Tribal Community. We will continue to follow their example of courage as we continue to plan, build and share our vision with future generations.

### **Guiding Principle**

It is with faith in The Creator that we undertake these tasks and it shall be with a spirit of respect and cooperation that we reach these goals

**Fred Lamberson, Jr.**

**Myra Lowe**

**Betty Najmon**

**Lillian Quinn**

**Rose Joy Sundberg**

**Harry Walker**

**Cornelia Jean Walker**

**Vera Green (Weatherford)**

**George Williams**

**Bill Crutchfield**

**Eva Duncan**

**Carol Ervin**

**Henry Hancorne, Jr.**

**Theodore “Teddy” James**

**Mayme Keparisis**

**Juanita Samuels (Letson)**

**Marian Seidner**



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**APPENDICES**

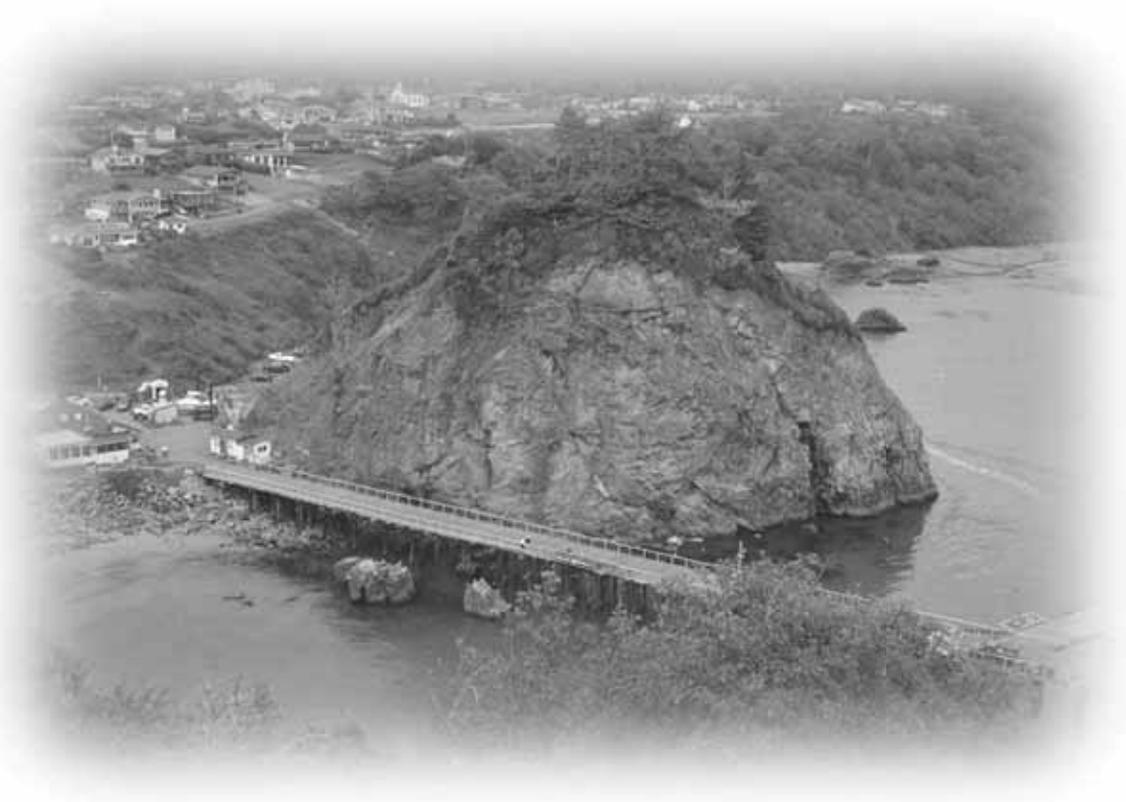
- Appendix A** - Trinidad Rancheria's Land Holdings
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(Preliminary)

## Forward

The Cher-e Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria) has been collaborating with the Trinidad Fisherman in an effort to participate in the Marine Life Protection Act Initiative and to bring a positive contribution to not only to the Trinidad Community, but the entire North Coast Region. Our group has been meeting weekly since July 2009 and has made substantial progress in understanding and participating in the MLPA planning process.

The group became “The Trinidad Traditional Fisheries Coalition” and is comprised of the Trinidad Rancheria Tribal Council and Staff, and the Trinidad Fisherman (Mike Zamboni, Jim Habib, Ron Fleshman, Chris Christensen, Tom Leshner, Jim Gullett, Craig Goucher, Clay Collins, John Collins, John Hinckley, Zach Rotwein, & Sonny Davi) The Rancheria, along with the Fisherman have contributed to this Regional Profile in order to share with you our Tribal Government, our history, our culture, our way of life, which has become its own never ending cycle.

We are natives of this land and we believe in preserving and caring for our natural resources. We also believe in the people who live on this land and bring their wisdom and knowledge of how to care for it. It is our hope that you will not only read what is on each page but look deeper into the lives of the people you see and understand our connection to the land and the sea in all that we do. Please enjoy reading as we share our lives with you.



## Tribal Mission Statement

The mission of the Cher-Ae Heights Indian Community of the Trinidad Rancheria is to preserve and promote our cultural and traditional beliefs; improve quality of life and self sufficiency; uphold tribal sovereignty; create positive partnerships; and protect the environment in order to provide a healthy community, honor our elders, and guide our youth.

### Introduction

The Cher-Ae Heights Indian Community of the Trinidad Rancheria is a federally recognized tribe with ancestral ties to the Yurok, Wiyot, Tolowa, Chetco, Karuk and Hupa peoples. While they share similar cultural and historical traditions, each tribe has a distinct heritage. The Rancheria is within the aboriginal territory of the Yurok peoples and is located in an area of great cultural significance to the Trinidad Rancheria and other local tribal entities. The core land holdings of the Rancheria is located on a coastal bluff east of U.S. Highway 101 just southeast of the town of Trinidad, which is about 25 miles north of Eureka.

The Trinidad Rancheria was established in 1906 by an act of the U.S. Congress that authorized the purchase of small tracts of land for “homeless Indians”. In 1908, 60 acres of land were purchased on Trinidad Bay to accommodate the Tribe. The Tribe’s Federal Recognition was granted by the Department of the Interior in 1917 and between 1950 and 1961 the Trinidad Rancheria approved home assignments on the reservation and enacted their original Articles of Association. In 2008 the Tribe passed a new constitution that replaced the original Articles of Association and has increased their Enrolled Membership to 199.

The Trinidad Rancheria is now comprised of three separate parcels that total 82 acres. The largest parcel is located on the west side of Highway 101 along the Pacific Coast and is made up of 46.5 acres. This parcel accommodates Tribal Member Housing, Tribal Offices, a Tribal Library, and the Cher-Ae Heights Casino.

In 1962, when the current layout of Highway 101 was constructed, it bisected the Rancheria on the north eastern corner which left small nine-acre parcel on the eastern side of Highway 101. This parcel was subsequently disposed of by the Bureau of Indian Affairs because an adjacent land owner refused to give the Rancheria the right-of-way. Through economic development and self sufficiency, the Tribe was able to purchase additional land. Approximately 8 acres were purchased in Westhaven, directly across Highway 101 in the late 1980s and a third 27.5-acre parcel, located in the unincorporated community of McKinleyville, was purchased in the 1990s and now houses 12 residential properties (*See Appendix A*).

In addition to Rancheria property, the Tribe also owns the Trinidad Pier & Harbor and Seascapes Restaurant in the City of Trinidad. This property includes the main entrance and access point to the Trinidad Head, which hosts walking trails, and cultural and historical points of interest.

## **Tribal Government**

The membership of the Cher-Ae Heights Indian Community of the Trinidad Rancheria (Trinidad Rancheria) is currently comprised of 199 enrolled individuals. The membership consists of persons listed on the Trinidad Rancheria Base Roll and their direct lineal descendants. Enrolled members are categorized by four groups: Base Roll, Voting Members, Non-Voting members, and Minors. The governing body of the Tribe (Community Council) consists of all duly enrolled, base roll and voting members (eighteen years of age or over and who satisfy a number of annual requirements to maintain voting privileges).

The Trinidad Rancheria Community Council meets monthly and establishes the dates, time and location on an annual basis. Community Council Meetings are facilitated by the Tribal Council and provide a regular forum in which the community is able to come together and conduct business on behalf of the Tribe.

From the Community Council, a Tribal Council is elected. It is the duty of the Tribal Council to govern all the people, resources, land, and water reserved to the Tribe in accordance with the Trinidad Rancheria Constitution, such laws as adopted by the Tribal Council, such limitations as may lawfully be imposed by the Tribal Council, and such limitations as may be lawfully imposed by the statutes or the Constitution of the United States.

The Tribal Council consists of a Chairperson, Vice-Chairperson, Secretary/Treasurer and two (2) additional members to serve as Tribal Council Members. Any Community Council member (eighteen years of age or over) is eligible to serve on the Tribal Council if duly elected. The Tribal Council meets twice a month - regular times, dates and location are established by the Chairperson.

The Tribal Council Officer's duties include a wide range of responsibility including attending all meetings, serving as liaisons to advisory committees, and most importantly, upholding the Tribal Constitution. Specific responsibilities, duties, expectations, and guidelines are thoroughly outlined in the Trinidad Rancheria's Tribal Constitution.

The Chairperson is entitled to vote in all meetings and exercises the following powers as the chief executive officer of the tribe: preside over and vote in all meetings of the Tribal Council and Community Council; establish such boards, committees, or subcommittees as the business of the Tribal Council may require, and to serve as an ex-officio member of all such committees and boards; and serve as a contracting officer or agent for the Tribe including authority to retain legal counsel.

The Vice-Chairperson shall, in the absence or incapacity of the Chairperson, perform all duties and assume all the responsibilities vested in the Chairperson. The Vice-Chairperson shall, upon request of the Council, assist in carrying out the duties of the Chairperson. The Vice-Chairperson shall perform any other duties of the Chairperson and any other duties as the Council may direct. The Vice-Chairperson is entitled to vote in all meetings.

The Secretary/Treasurer shall be entitled to vote in all meetings and have the following powers and duties: Ensure that the minutes of the meetings are kept on the Community Council and the Tribal Council; certify all official enactments or petitions of the Community Council and the Tribal Council; monitor financials and report them to the Community Council; and approve all vouchers for payment in accordance with a written procedure approved and adopted by the Tribal Council by resolution.

The additional two Council Members assist the Chairperson and other Officers in carrying out the functions of the Tribal Council and shall be entitled to vote in all meetings.

The jurisdiction of the Trinidad Rancheria, with its Community Council and Tribal Council, shall extend to the fullest extent permitted by applicable law to the following: all lands, water and other resources within the exterior boundaries of the Trinidad Rancheria established by the Secretary of the Department of the Interior in 1917; other lands, water and resources as may be hereafter acquired by the tribe, whether within or without said boundary lines, under any grant, transfer, purchase, adjudication, treaty, Executive Order, Act of Congress or other acquisition; all members of the Trinidad Rancheria and other non-member Indians within any territory under the jurisdiction of the tribe; and all tribal members, wherever located.

**The Tribal Operations for the Trinidad Rancheria include the following departments:**

- ❖ Administration
- ❖ Cultural Resources/THPO Department
- ❖ Economic Development
- ❖ Environmental Department
- ❖ Fiscal
- ❖ Human Resources
- ❖ Library
- ❖ Member Services
- ❖ Office of Emergency Services
- ❖ Transportation & Land-Use



## Demographics

- **Enrolled Members – 199** (Current as of October 2009)
- **Unemployment – 65%** (2005, American Indian Population and Labor Force Report: BIA)
- **Median Household Income - \$20,000** (2000, U.S. Census)

**Table 1-1 2000 Census Information** (only includes Tribal Members who live on Trust Land adjacent to the City of Trinidad)

| Demographic Characteristic           | Trinidad<br>Rancheria |  | City of<br>Trinidad |  | 95570<br>Zip Code | U.S.      |
|--------------------------------------|-----------------------|--|---------------------|--|-------------------|-----------|
| <b>Total Population</b>              | 73                    |  | 311                 |  | 2,352             |           |
| <b>Median Age (Yrs.)</b>             | 40.5                  |  | 50.2                |  | 45                | 35.3      |
| <b>1 Race</b>                        | 73                    |  | 305                 |  | 2,262             | 97.60%    |
| <b>Amer. Indian/AK Native</b>        | 59 (81%)              |  | 1 (.33%)            |  | 145(6.2%)         | 0.90%     |
| <b>White</b>                         | 14 (19%)              |  | 295(96.7%)          |  | 2070(88%)         | 75.10%    |
| <b>Other</b>                         | 0                     |  | 9                   |  | 47                | 21.60%    |
| <b>Average Household Size</b>        | 2.61                  |  | 1.85                |  | 2.15              | 2.59%     |
| <b>Avg. Family Size</b>              | 2.9                   |  | 2.51                |  | 2.72              | 3.14%     |
| <b>Total Housing Units</b>           | 37                    |  | 228                 |  | 1,435             |           |
| <b>Occupied Housing Units</b>        | 28                    |  | 168                 |  | 1,090             | 91.00%    |
| <b>Owner-occupied</b>                | 25 (89%)              |  | 105 (63%)           |  | 734 (67%)         | 66.20%    |
| <b>Renter-occupied</b>               | 3 (11%)               |  | 63 (37%)            |  | 356(33%)          | 33.80%    |
| <b>Vacant Housing Units</b>          | 9(24.3%)              |  | 60 (26.3%)          |  | 345(24%)          | 9.00%     |
| <b>Population 25 years and older</b> | 35                    |  | 263                 |  | 1,739             |           |
| <b>High School Graduates</b>         | 12(34%)               |  | 232(88.2%)          |  | 1,546(89%)        | 80.40%    |
| <b>Bachelor's degrees or more</b>    | 4 (11%)               |  | 133(50.6%)          |  | 660(38%)          | 24.40%    |
| <b>Civilian Veterans</b>             | 8 22.9%)              |  | 62 (21.8%)          |  | 272(14.3%)        | 12.70%    |
| <b>Disabled</b>                      | 10(14%)               |  | 68 (21.9%)          |  | 428(19.1%)        | 19.30%    |
| <b>In Labor Force (&gt;16 years)</b> | 14                    |  | 181(63.3%)          |  | 1186(59%)         |           |
| <b>Employed</b>                      | 3                     |  |                     |  |                   |           |
| <b>Unemployed</b>                    | 11 (79%)              |  |                     |  |                   |           |
| <b>Median Household Income</b>       | \$20,000              |  | \$40,000            |  | \$33,300          | \$41,994  |
| <b>Median Family Income</b>          | \$24,000              |  | \$50,357            |  | \$37,958          | \$50,046  |
| <b>Per Capita Income</b>             | \$11,720              |  | \$28,050            |  | \$21,435          | \$21,587  |
| <b>Families in Poverty</b>           | 5(31.3%)              |  | 2 (2.3%)            |  | 78(13.1%)         | 9.20%     |
| <b>Med. Value Homes</b>              | \$120,800             |  | \$321,200           |  | \$202,100         | \$119,600 |

Even by comparison to the larger area of Trinidad and vicinity (as defined by the 95570 Zip Code), the members of the Trinidad Rancheria have per capita incomes averaging just 54.7% of the general population—which closely resembles the general population of the United States as a whole.

## Cultural/ Historical

### *Background*

The Trinidad Rancheria is located within the ancestral territory of the Yurok people (O'ohl). Though we have ties to several other tribal groups in the region, our membership is primarily Yurok. Tribal members descend from several villages along the Klamath River as well as the coastal villages from present day Stone Lagoon (Cha-pek) south to the village of Chue-rey (Tsurai), at present day Trinidad (See Appendix D & Appendix E).

Traditionally our people subsisted on the abundant plants of the redwood forests (e.g., acorns, mushrooms, and wild herbs and teas), large game animals (e.g., deer and elk) and—as *the most readily available and healthful sources of protein*—salmon, rock fish (e.g., cod and snapper) “surf” fish (smelt), shell fish (e.g., clams, crab, and mussels), and seaweed, all caught or gathered along the ancestral coastline. Between first land contact with Euro-Americans in 1849 and the California gold rush a hundred years later, the tribal population of Chue-rey Village (one of the largest pre-contact Yurok villages in the region) was decimated—by 1916, only a single Chue-rey resident remained.

Thus, in recovering from near annihilation a century ago, the continuation and preservation of the native culture, languages, and traditional life ways have been a very high priority among members of the Trinidad Rancheria. Critical to the social and spiritual recovery of these tribal members is the ability to access traditional food staples from the ancestral coastline. Subsistence fishing and seaweed gathering continue to be essential to both physical and cultural survival.

There is a phrase in the Yurok language—*noohl hee-kon*—which translates to “the beginning of time” and it is the measure by which we place ourselves in the world. We were created in this land, as were the “resources” which allowed for our people to flourish physically, culturally and spiritually.



### *Cultural Resource Gathering*

Yurok ancestral territory encompasses approximately 320,000 acres of the North Coast extending north from the village on the Little River (Me'tsko or S're-por) in Humboldt County to the mouth of Damnation Creek in Del Norte County, and inland along the Klamath River from the mouth of the river at Requa (Re'kwoi) to the confluence of Slate Creek and the Klamath River. Though our people have been confined to a small portion of this territory, whether as members of the Trinidad, Big Lagoon or Resighini Rancherias or of the Yurok Tribe, the people have continued to practice their traditional life ways.

Trinidad Rancheria tribal members depend upon the rich diversity of marine and coastal plant resources found within Rancheria lands, as well as throughout ancestral territory, as part of their daily lives. The Rancheria's lands support many types of culturally significant plants such as red alder (*Alnus rubra*), Douglas fir (*Pseudotsuga mezesii*), Blue blossom or soap plant (*Ceanothus thyrsiflorus*), bracken fern (*Pteridium aquilinum*), sword fern (*Polysticum munitum*) and Sitka Spruce (*Picea sitchensis*), and various other roots and herbs. Tribal members regularly gather these plant materials for medicinal and cultural uses.

Important marine resources include salmon, clams and abalone (as both food sources and for the shells, which are used in ceremonial regalia), mussels, seaweed, eels, crab, surf fish, candle fish and sea salt. Rancheria Tribal Elders relate memories of subsistence gathering and prayer activities all along the coast line from the Luffenholtz Beach area to the Trinidad Harbor and beyond. Subsistence fishing for crab, salmon, surf fish (smelt), mussels and clams occurred regularly from the rocky beaches within the Rancheria's borders. Families would set up fish camps during the dry months and would harvest and dry these important resources. Non-plant or animal materials with cultural significance found on Rancheria lands in the coastal zone include steatite and chert (Verwayen, 2007) which are used to make items such as bowls and arrow points respectively.



*Spiritual/Ceremonial “Resources”*

Throughout our ancestral territory Yurok people continually utilize the sacred places to pray and make ceremony. Integral to the Coastal Yurok physical and spiritual landscape are the rocks that occur just off shore. These rocks, as with nearly every physical feature within the Yurok world, have names and carry a metaphysical or spiritual significance (*See Appendix C*).



The Trinidad Head (Chue-rey-wa or Tsurewa), for instance, figures prominently in tribal histories regarding ceremonial practices.

As the story begins, we meet a young man from Tsurau (Chue-rey). He had a sister. He told her one morning, “I should like to see a pretty hill be” “What for?” she asked. “I always hear laughing when the wind blows from there. I almost hear someone laughing. That is why I want to make a good hill here. I want to sit it on it that I may look about. There may be people somewhere. Perhaps they will see me when they come by” (Kroeber 1976:18).

He then went down to the beach, gathered a pile of sand in his hands and made the pile round, and set it down again. So he made Tsurewa. After the young man had created Tsurewa, he sat upon it and said, “I wish you would be higher,” and the sand grew higher. After some time, the young man said, “I wish you would be a little higher,” and the sand grew a little more. He looked around and said, “That is all,” (Kroeber 1976:19).

As the story continues the young man sits upon the top of Tsurewa and creates a spring and it is at the spring that he goes to get woodpecker crests for his regalia. The story concludes as

the young man of Tsurai travels within Yurok Ancestral Territory and visits many villages to instruct other Yurok on how to properly conduct ceremonies (Kroeber 1976:19-28).

Though many important ceremonial and spiritual activities were limited by the United States Government, the Yurok people did not stop or forget the ways of their ancestors. Over the last 30 years, Yurok people have worked tirelessly to revitalize the ceremonial dances. Trinidad Rancheria tribal members actively participate in numerous ceremonies throughout our ancestral territory.

Recently, a Flower Dance (coming of age ceremony) was held on the coast, at Sumeg Village in Patrick's Point State Park, for Rancheria tribal member Kayla Maulson. It was the first such ceremony to occur on the coast in 120 years. A major component of this ceremony is the ritual bathing that the girl must complete every morning, and naturally, given that this was a coastal ceremony, these bathing places occurred at intervals along the ocean and in streams along the coastal bluffs. Thus the ocean itself (pishka'l) is an important cultural resource from a spiritual point of view.

It is difficult to pinpoint any particular feature or resource as more, or less, important than any other. From a historical standpoint, the entirety of the Yurok world existed in a harmonious balance that the people were responsible for maintaining. This is why we are known as "fix-the-world" people. We dance to give thanks and to restore balance to our land. The stories that we carry from generation to generation, the knowledge of the ways and means of gathering food and basket materials and all the items our ancestors used in daily life—things we still use today—and the instructions for the correct way conduct ceremonies have been with us from *noohl hee-kon*, the beginning of time. Every object or feature within the cultural landscape has importance in the continuity of our traditional way of life—from the sharp rock in the water known as *kwee-ge-rep* (Waterman, Map 33) to the remnants of our former village homes. This land and the beings that inhabit it, that we now refer to as resources, are an integral part of who we are as a people. Without them, we do not exist.

#### *References*

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Waterman, T.T. (1920, 1993) *Yurok Geography*. Trinidad, CA. Trinidad Museum Society.

## Trinidad Pier & Harbor Planning Efforts

The Trinidad Pier has been owned and operated by the Trinidad Rancheria since 2000. As part of their purchase agreement the Tribe agreed to maintain the property as a public facility throughout their ownership.

The Trinidad Pier is the northern most ocean front pier in California and has been used for commercial and recreational purposes since it was built in 1946. Trinidad Pier and Harbor is the economic epicenter of the Trinidad area and the Rancheria is dedicated to maintaining the facility as a safe, commercial, recreational, historical, and scenic draw for local businesses and community members. The Pier provides educational opportunities by accommodating the Humboldt State University Telonicher Marine Lab's saltwater intake pipe and the California Center of Integrated Technology's water quality sonde. These facilities provide the public and the academic community views of the marine life and real time data on water quality within the Trinidad Bay. Additionally, the Trinidad Pier remains one of the main ports of departure for a variety of recreational boating including kayaking, sport fishing, and whale watching/sightseeing cruises along the west coast. It is also the only transient boating facility between Humboldt Bay and Crescent City, CA.

The 6+ acre portion of the harbor site owned by the Trinidad Rancheria includes the pier, mooring field, boat launch, boat cleaning and maintenance facilities, two parking lots, the Seascape Restaurant, a bait and gift shop, a vacation rental house, recreation areas, and areas for boat parking. These harbor businesses, as well as all the businesses located in the City of Trinidad, play an important role in the local economy and provide income to not only the Trinidad Rancheria and its' Tribal members, but surrounding North Coast as well.

The Trinidad Rancheria is currently working on the development of a complete Rancheria-wide comprehensive plan. The plan's development will be driven by significant public participation which will facilitate consensus among the members of the Rancheria and other stakeholders on the many issues that will affect the Rancheria's future growth. The plan will focus on land-use/development and long range transportation planning that will identify links with existing plans within the community and the Rancheria Tribal Community

This long range planning document will connect all Rancheria Properties including the Trinidad Harbor area by building on and the complete the integration of existing planning documents. A large focus of the plan will highlight and illustrate the transportation/land-ocean use/sustainability connection. Links between transportation, the harbor, and land use will address safety and community livability. The public participation process will facilitate public awareness of all existing plans and integrate public input from stakeholders.

### *Trinidad Harbor Planning Study*

Currently, there is no long range plan for the Trinidad Pier & Harbor. The Trinidad Rancheria is in the process of creating a specific planning document that will address the long term vision, mission statement, goals, objectives, and direction of the harbor facilities. The pier and marina boast breathtaking ocean views and provide recreational opportunities for walkers, joggers, bicyclist's surfer's outdoor enthusiasts, and private and commercial fisherman. Additionally, the pier facility accommodates an intake pipe for the Humboldt State University Marine Lab which provides invaluable instructional research for biological oceanography, chemical oceanography, geological oceanography, marine biological sciences, Mari-culture, fisheries instruction and

student research. The pier facility is truly a venue for a host of local, tribal, and federal agencies and stakeholder groups to interact and collaborate. 11

This plan will be guided by a Technical Advisory Committee comprised of local stakeholders who have an interest in Trinidad Harbor and marine environment. The plan will identify specific improvement projects, establishing their priority and establishing reasonable time for implementation identify possibilities for future growth (Tourism, Interpretive Center, Trails Tours, Cultural Centers, Design, land use). The plan will utilize GIS to display spatial data and related information to graphically display the relation of all resources. Additionally, the plan will identify recommendations for criteria for funding under the Indian Reservations Road Program (IRR).

The Trinidad Pier is listed as a federal transportation facility on the Bureau of Indian Affairs' Indian Reservation Roads Inventory (IRR). Through this designation, the Tribe is eligible to receive funding through the BIA IRR program to maintain the operation and infrastructure of the facility. Currently, the IRR program does not have quantitative criteria in place in order to calculate the appropriate funding allocations to maintain marine facilities. Part of this study will be to recommend possible funding formulas under the IRR program for similar transportation facilities like the Trinidad Pier.

#### *Trinidad Pier Reconstruction*

The Trinidad Rancheria is committed to ensuring the safety of its Tribal members and the local and visiting public who utilize the pier and harbor facilities for commercial, recreational and cultural purposes. Due to the deterioration of the creosote pilings, the pier is scheduled to be reconstructed in August of 2010. The Trinidad Rancheria has taken on the responsibility of reconstructing the pier to provide a safe and environmentally friendly facility and to provide resource enhancement for the area.

In 1974 the kelp beds in Trinidad Harbor were designated an Area of Special Biological Significance (ASBS) by the State Water Resources Control Board. The kelp beds at Trinidad Harbor are 1.8 miles long and encompass 297 acres of marine habitat. The cumulative biomass of the kelp beds supports a substantial amount of marine life. Trinidad Bay is also designated by the California Coastal Commission as a Critical Coastal Area (CCA) and was chosen as one of the five pilot programs to address non point source pollution. The Rancheria has monitored ocean water quality since 2001 under its EPA Clean Water Act grant.

The pier replacement and creosote piling removal are the most important actions that can be taken to eliminate discharges at Trinidad Harbor. The project will limit potential pollution sources from the surrounding environment by removing creosote treated piles and replacing them with concrete/steel piling coated with non-reactive polymer which will remove a source of dangerous pollutants. Additionally, the Trinidad Rancheria will replace the wooden pier deck structure with an impervious concrete deck that is properly sloped and drained to direct runoff to a land-based, filter-protected infiltration gallery that has been sized to accommodate peak flows. This will eliminate the pollution runoff into the surrounding environment and virtually eliminate contamination of the site. Permitting and Engineering requirements will be complete in January 2010. The Rancheria has been successful in receiving grants and funding, and will be applying for American Recovery and Reinvestment Act funding (ARRA) in early 2010.

### *Harbor Restroom Project - Clean Beaches*

The wastewater system for Trinidad Harbor suffered from deferred maintenance at the time Trinidad Rancheria purchased the Harbor in 2000. The existing on-site septic system is old and deteriorating and the leach field system has a history of failure. Leach field problems will likely recur unless the existing primary treatment facilities are replaced with advanced treatment. Additionally, portable chemical toilets are currently being used due to the lack of a public restroom facility. The adjacent beaches are often used as an alternative to the chemical toilets.

An existing storage shed will be replaced with a public restroom/janitorial storage area. To accommodate the larger restroom building footprint and the sewage treatment plant, the bank to the south of the proposed building location will be stabilized using a concrete retaining wall. The restrooms will be ADA-compliant and all appliances will be automatic and hands free. The existing wastewater treatment facilities and leach field will be replaced. The project will be effective in addressing surfacing effluent at the Harbor leach field and use of the beach as a toilet because of lack of public restroom facilities. Project effectiveness can be demonstrated by the improvement of the bacterial quality of nearshore ocean water, by the removal of portable toilets, and by the reduction in the use of the beach as a restroom. Construction will begin in early 2010. This project is part of an overall program of water quality improvement in Trinidad Harbor initiated by Trinidad Rancheria and the City of Trinidad. This project is funded through the State Water Resources Control Board (SWRCB) Clean Beaches Initiative and a SWRCB Clean Water State Revolving Fund ARRA Financing Agreement.

### **Trinidad Pier & Harbor Socio-Economics**

#### *Background*

For thousands of years Trinidad Bay has been a provider of essential marine resources for the original inhabitants of the North Coast. The bay's rocky coastline and natural protection from Trinidad Head also made it an ideal commercial fishery for Euro-Americans soon after they settled the North Coast in the 19<sup>th</sup> century. Today, the Trinidad Rancheria has worked diligently to ensure the Trinidad Harbor provides a balance of uses for commercial, recreational and cultural users. Through planning studies and harbor improvements, the Tribe's long term goals include honoring the bay by highlighting its pristine beginnings under Native American stewardship through education and interpretation while still supporting the commercial fisheries that provide economic stability and fresh local food to for the North Coast.

#### *Commercial Operations*

Soon after Euro-American contact, Trinidad Bay became a main source of maritime commercial operations. This tradition has become part of the identity of Trinidad Bay and the community of Trinidad. Today, under the Rancheria's ownership, Trinidad Pier and harbor still hosts a diverse group of commercial fisherman who utilize the rich waters of the North Coast to provide fresh local seafood to the community and carry on historical maritime traditions.

The Trinidad Rancheria has maintained a positive collaborative relationship with the commercial fishermen who operate out of Trinidad Bay. The Rancheria's Harbor Master, Craig Richardson, grew up in Trinidad and has worked with many of the fisherman for decades. Richardson is a valuable asset to the Trinidad Pier and Harbor and has solidified the partnership between the Rancheria and the Commercial Fisherman. By working with the fisherman the Rancheria has

been privileged to learn more about many of the longtime commercial patrons of Trinidad Pier and Harbor.

Mr. Zamboni, owner and operator of the *Lucky 50* is a native of Humboldt County and has been commercial fishing out of Trinidad Bay for 20 years. Zamboni is a regular guest lecturer for Humboldt State University's Commercial Fisheries Management course, Fisheries Ecology, and has taught courses in Shark Fishing, Razor Clamming, and Surf Fishing for Humboldt State's Extended Education Program.

Jim Habib, is the owner of Trinidad Challenger, Inc. and operator of a 32' Cloudburst Crab Clipper called the *Defender*. He has been fishing out of Trinidad Bay for 36 years. Habib sells his local crab to Murphy's Market and several West Coast crab processors. His catch is not only enjoyed here locally, but is shipped to other parts of country.

Zach Rotwein, also known as "Cap'n Zach," crabs out of Trinidad from his boat *Abundance*. He sells most of his crab through his seafood market located in McKinleyville, CA. His business offers the opportunity to buy straight from the fisherman and support a valuable local industry.

Chris Christensen is the owner and operator of 17 ½ ' center console outboard called the *Top Dawg*, he has been a commercial fisherman for 60 years and has been fishing out of Trinidad Bay for 38 years. His local Black Rockfish and Ling Cod can be enjoyed at the Seascapes Restaurant and Murphy's Market. He also sells a portion of his catch to Mad River Outfitters, where it is sold to other local markets and businesses.

During the winter when they're not operating their summer charter business, both Tom Leshner and James Gullett are crabbing out of Trinidad Bay. Tom has been operating out of Trinidad for 33 years. His 36' crab boat, the *Jumping Jack* provides for both of his Trinidad based businesses. James Gullett has been fishing out of Trinidad for 39 years. His boat, the *Wind Rose* is another boat in Trinidad that runs year round, taking advantage of the recreational as well as commercial opportunities in the area.

Craig Goucher is the owner and operator of the *Second Wind*. He has been fishing out of Trinidad Harbor for 28 years. He fishes for crab in the Trinidad area and fishes for salmon south of Shelter Cove.

The Trinidad Rancheria has owned a crab boat for the past 3 years called the Kai Aku. During crab season it is operated by Clay Collins, who also owns and operates a charter boat business out of Trinidad during the summer months with his boat, the Shenandoah.

Through their hard work and extensive knowledge of North Coast fisheries, the Commercial Fisherman of Trinidad not only provides local, fresh seafood, but supports the local economy with their business operations. They have persevered through fishing closure after fishing closure (*see Appendix B*) and cannot afford to lose what valuable fishing grounds they have left.

### *Recreational Fishing*

Trinidad offers some of the best opportunities for light tackle fishing on California's beautiful North Coast. The Trinidad Pier and Harbor is a main port of departure for those who wish to take advantage of the rocky shoreline. Several charter businesses operate out of Trinidad Harbor.

Tom Leshner, is licensed by the U.S. Coast Guard and has been fishing Trinidad's waters since 1977, he operates the 36' *Jumpin' Jack*. His business is fully equipped for sport fishing in the Trinidad area and caters to all ages and skill levels. His goal is to provide a pleasurable fishing experience.

The Toni Rae II, operated by John Collins, is a 36 ft. aluminum boat that accommodates up to 6 people. The boat is equipped with downriggers for Salmon. He also supplies all the fishing gear you will need at no extra charge. He also has 20 years of experience in commercial fishing.

Jim Gullett is both captain and owner of Wind Rose Charters, a sport fishing and scenic charter company based out of Trinidad Bay. A life-long fisherman, Jim started working on the dock in 1962 while still in high school and has been a commercial fisherman and charter fishing guide for over 38 years.

These are just a few of the several charter operations that are run out of Trinidad bay and Harbor. The Trinidad Rancheria has focused heavily on their planning efforts to ensure these businesses will have a place to operate and continue to make significant contributions to the North Coast economy.

#### *Benefits to Local economy*

Trinidad's economy is based on fishing and tourism. The Trinidad Rancheria Harbor businesses produce approximately \$1.4 million gross revenue annually which is directly attributed to commercial and recreational fishing as well as tourism and local patrons. The City of Trinidad Businesses include seven motels, four Bed and Breakfasts, seven RV Parks, three campgrounds, nine vacation rentals, six restaurants, three markets, one gas station, five gift shops, seven charter boats, and twenty other small businesses, as per the City of Trinidad Chamber of Commerce. These local businesses are based on the Trinidad Pier, Harbor and Fishing Industry. These businesses benefit directly from the commercial, recreational, and Rancheria businesses.

In addition to the city of Trinidad and Rancheria businesses, the commercial and recreational fishing industry in Trinidad benefits other North Cost businesses that include, but are not limited to: Renner Petroleum, England Marine, Ace Hardware, Trinity Supply, David L. Moonie & Co., Leon Karjuta (Attorney), Humboldt Harbor District, Cloudburst Boats, Murphy's Market, Carvalho Fisheries, Nor Cal Fisheries, Allpoint Signs, Arcata Salvage, Allied Bearings, South Bay Hydraulics, Dilling Machine Shop, Almquist Lumber, Fred's Marine Electronics, Eureka Oxygen, Eureka Ice House, & Katy's Smokehouse.

## Conclusion

The Trinidad Rancheria and Traditional Fishermen have enjoyed working together to blend our information and our heritage and cultures to express our concern and show the importance of the fishing and gathering in waters around the Trinidad Harbor. Presently, we face extensive fishing regulation in state and federal waters (as seen in the map in *Appendix B*) and are not able to fish in many locations due to these closures.

Additionally, we wanted to show the gathering areas and subsistence fishing that has been part of our culture since time began. The Trinidad Rancheria Elders and Tribal Members have descended from local North Coast Tribal Villages (as shown in *Appendix D & E*) and share their rich traditions with their children and grandchildren on a daily basis. The resources discussed are not something from the past that is remembered, but a gift that we incorporate into our lives continually.

The Trinidad Rancheria has been working tirelessly to provide income for our Tribal Members and through economic development efforts and the purchase of the Harbor Businesses we have been able to provide not only employment and training, but also have encouraged Tribal Members to learn the Commercial Fishing Business with the economic support from the Rancheria.

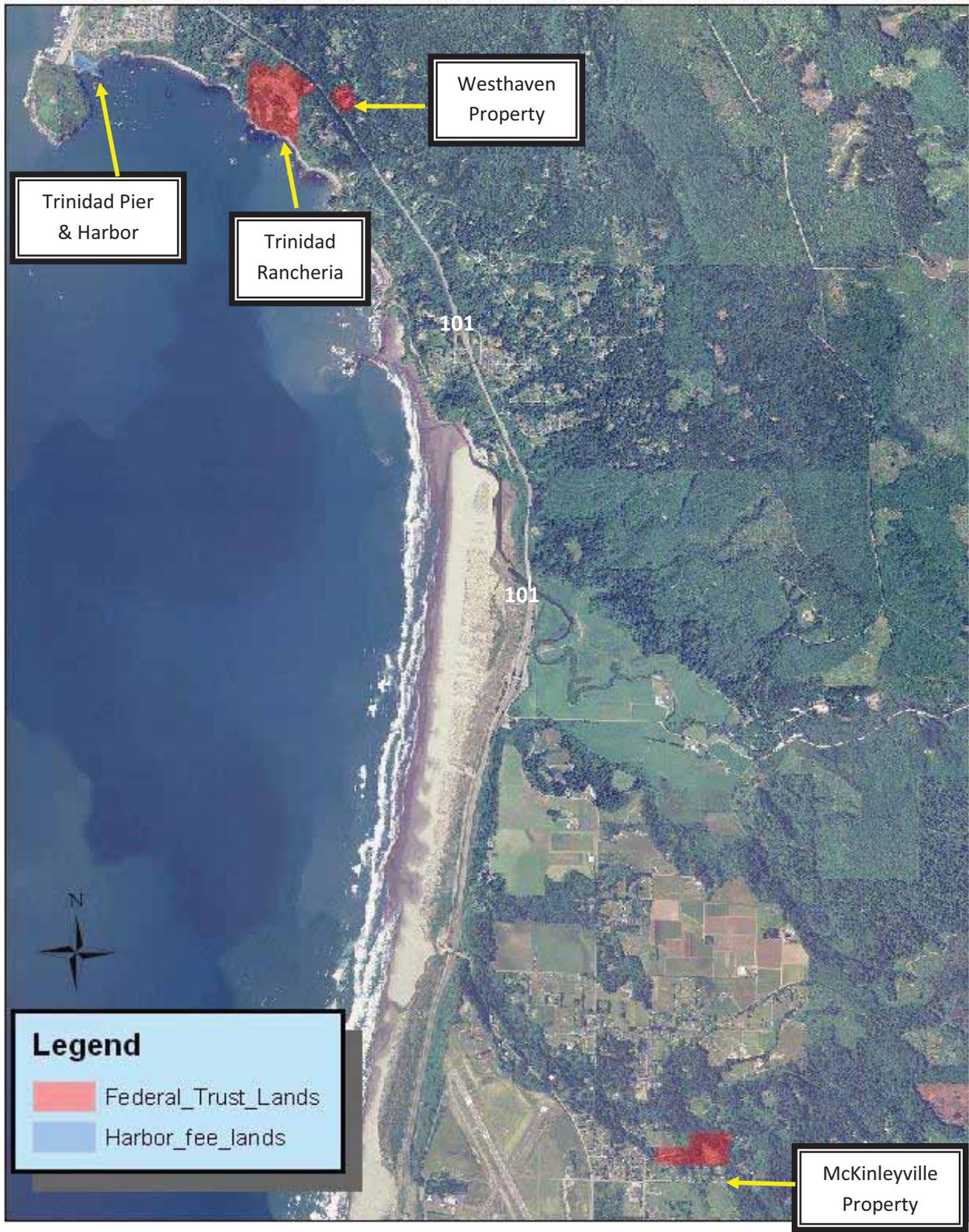
Unless the implementation of the MLPA process is driven by North Coast stakeholders, with meaningful contributions from local Tribes, the economic and cultural well being of the Cher-Ae Heights Indian Community of the Trinidad Rancheria will be severely affected. We understand that these regulations could close most, if not all, of the remaining fishing areas in the vicinity of Trinidad Harbor. This would have a devastating effect on the Tribe's economy, the Fisherman, the City of Trinidad, and other local businesses and communities. We also understand these regulations would prohibit Tribal Members from continuing their traditional and customary use of coastal areas, thereby denying the Trinidad Rancheria and other North Coast Tribes the ability to maintain fundamental aspects of their culture.

We would ask that the Environmental Impact Report prepared for the North Coast MLPA Process include this report in its entirety so that these views can be considered by all parties reviewing the impacts before any decisions are made.

Thank you for your consideration – Wo-'khlew!

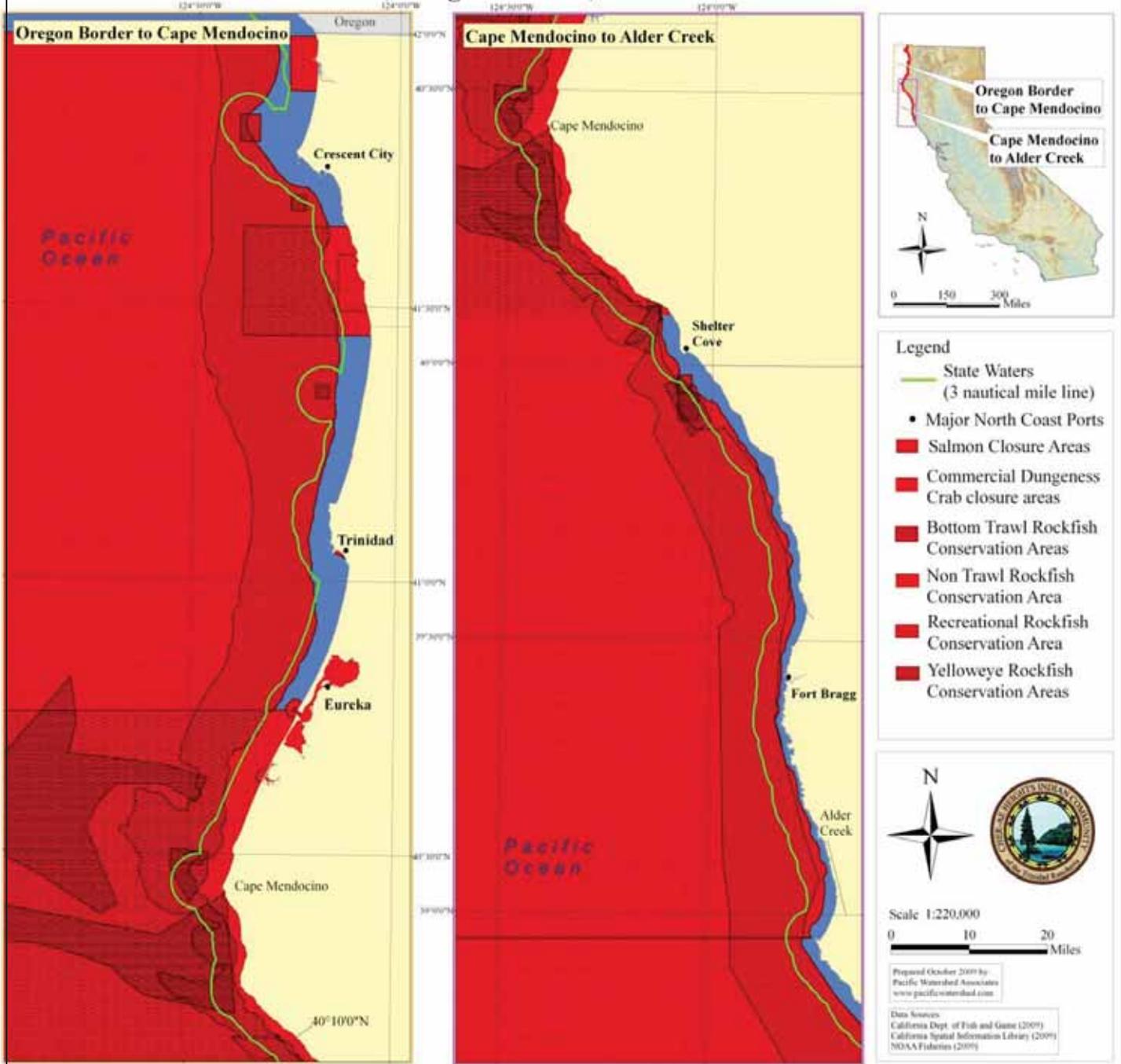
**Please contact Jacque Hostler, Trinidad Rancheria, for questions or comments**  
**[cherae.roads@gmail.com](mailto:cherae.roads@gmail.com) or 707.677.0211.**

# APPENDIX A - TRINIDAD RANCHERIA'S LAND HOLDINGS

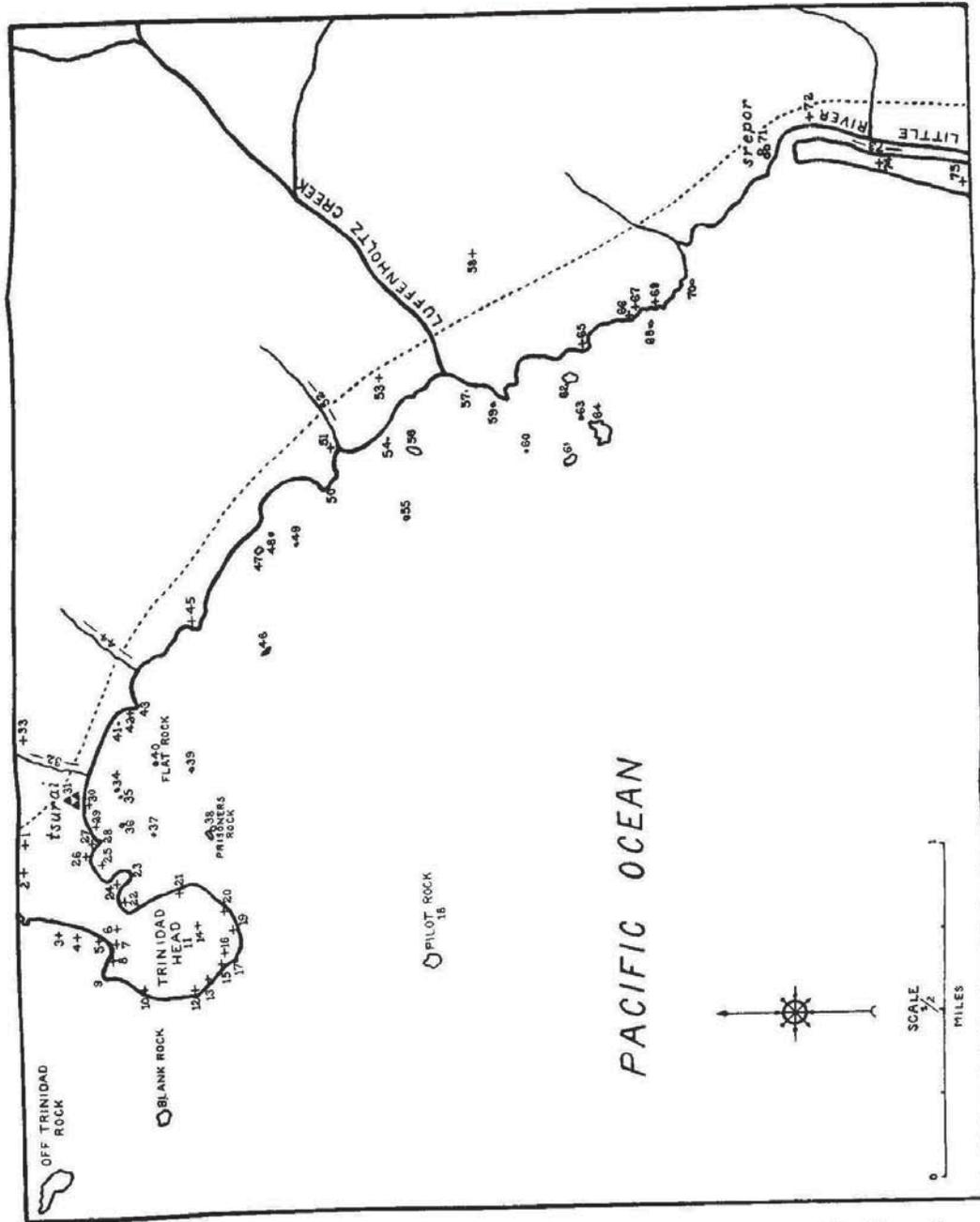


# APPENDIX B - COMMERCIAL & RECREATIONAL FISHING CLOSURES

## Northern California Commercial and Recreational Closures: Salmon, Dungeness Crab, and Rockfish



# APPENDIX C - Map of Coastal territory from S're-por to Chue-rey From T.T. Waterman's *Yurok Geography*

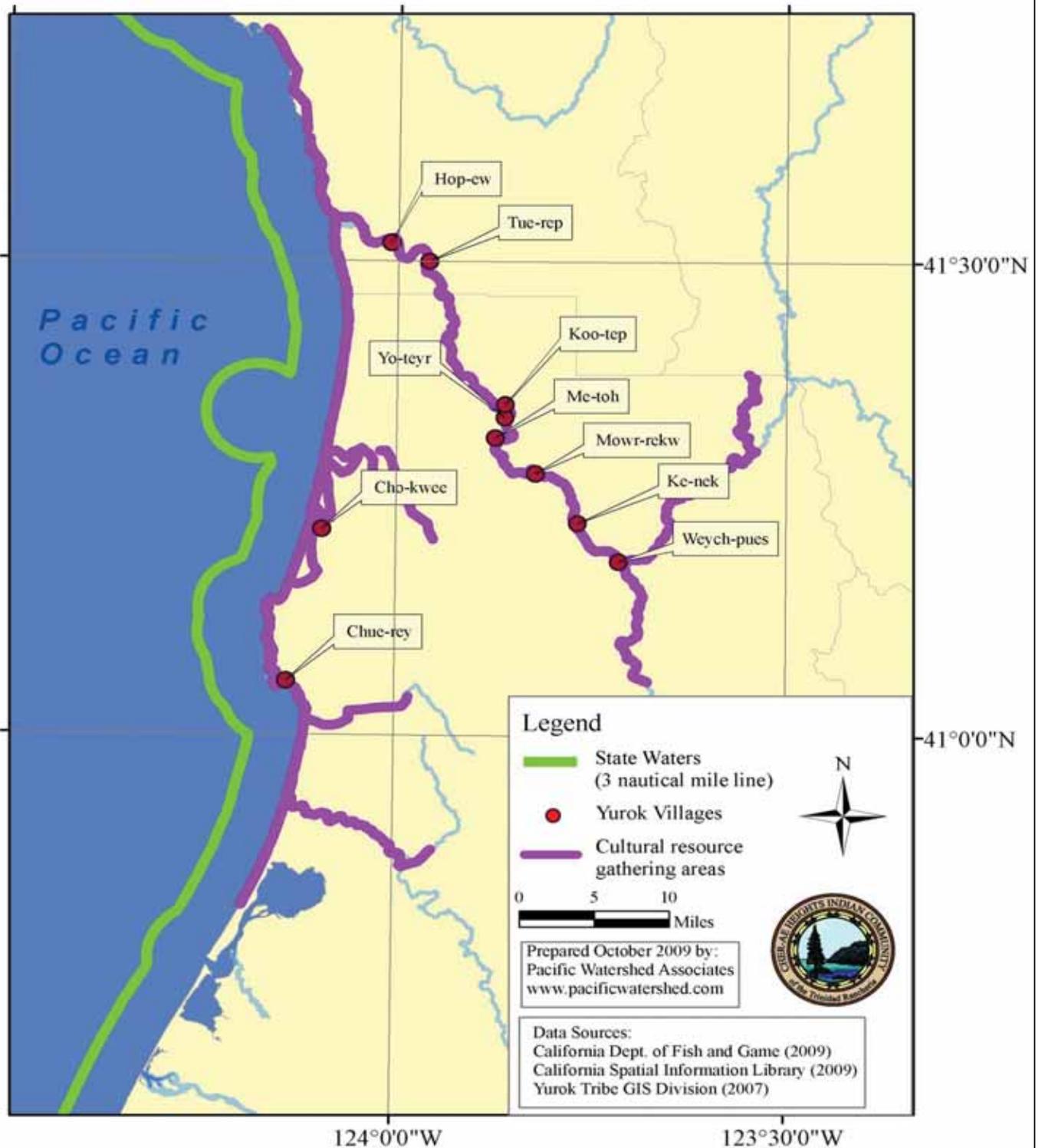


1. o-lev'tegen, flat rocks
2. o-ll-p, flat
3. t'ep'w, sea-stack
4. n'k'p, pebble beach
5. m'k-o-mo'kwec, level place
6. m'k'p'k'o, cave
7. m'k'p'k'o, cave
8. ho'k'ker, promontory
9. m'k'p'k'o, promontory
10. m'k'p'k'o, TRINIDAD HEAD
11. o-er'go', inlet in the rocks
12. k'p'p'k'u, hole in the rocks
13. k'p'p'k'u, hole in the rocks
14. m'k'p'k'o, point of rock
15. m'k'p'k'o, point of rock
16. k'p'p'k'u-o-le'gw'o, cave
17. p'p'k'k'o-o'p'p'k'o, ROCK
18. k'p'p'k'u, southeast corner of the head
19. k'p'p'k'u, where things drift
20. k'p'p'k'u, beach
21. o-ko'p'p'e, arch under a point
22. o-ko'p'p'e, arch under a point
23. k'p'p'k'u, beach
24. k'p'p'k'u, beach
25. k'p'p'k'u, beach
26. k'p'p'k'u, beach
27. k'p'p'k'u, beach
28. k'p'p'k'u, beach
29. k'p'p'k'u, beach
30. o-ko'p'p'e, a rock in front of the head
31. k'p'p'k'u, town
32. k'p'p'k'u, town
33. k'p'p'k'u, town
34. k'p'p'k'u, town
35. k'p'p'k'u, town
36. k'p'p'k'u, town
37. k'p'p'k'u, town
38. k'p'p'k'u, town
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70. k'p'p'k'u, town

Map 32. (See key-map 4, opposite page 226.)

RECTANGLE K

## APPENDIX D – Map of Cultural Resource Gathering Areas



## APPENDIX E - Villages

Preliminary list of Villages Trinidad Rancheria Original Assignees descend from, compiled by Rachel Sundberg (lineal descendant of Trinidad Rancheria Original Assignee, Joy Sundberg). Complete list pending further historical research.

| <b>Bill Crutchfield</b>  |           |                    |
|--------------------------|-----------|--------------------|
| Village                  | County    | Tribal Territory   |
| Yah-ter                  | Humboldt  | Yurok              |
| Tuley Creek              | Humboldt  | Yurok              |
| Turup                    | Del Norte | Yurok              |
| Koh-tep                  | Humboldt  | Yurok              |
| Chue-rey (Tsurai)        | Humboldt  | Yurok (Ner-er-ner) |
| Cho'-kwee (Stone Lagoon) | Humboldt  | Yurok (Ner-er-ner) |
| Peen-pey (Big Lagoon)    | Humboldt  | Yurok (Ner-er-ner) |

| <b>Eva Duncan</b> |          |                  |
|-------------------|----------|------------------|
| Village           | County   | Tribal Territory |
| Table Bluff       | Humboldt | Wiyot            |
| Eel River Valley  | Humboldt | Wiyot            |

| <b>Carol Ervin</b>     |          |                  |
|------------------------|----------|------------------|
| Village                | County   | Tribal Territory |
| Weych-pues (Weitchpec) | Humboldt | Yurok            |
| Warseck                | Humboldt | Yurok            |
| Katamiin               | Siskiyou | Karuk            |

| <b>Vera Green</b> |          |                  |
|-------------------|----------|------------------|
| Village           | County   | Tribal Territory |
| Twehl-keyr        | Humboldt | Yurok            |
| Pecwan            | Humboldt | Yurok            |
| Yah-ter (Yocta)   | Humboldt | Yurok            |

| <b>Henry Hancorne, Jr.</b> |           |                  |
|----------------------------|-----------|------------------|
| Village                    | County    | Tribal Territory |
| Natchko (Hancorne Ranch)   | Humboldt  | Yurok            |
| Mettah                     | Humboldt  | Yurok            |
| Capell                     | Humboldt  | Yurok            |
| Moreck                     | Humboldt  | Yurok            |
| Hoppel                     | Del Norte | Yurok            |

**Appendix E - Continued**

| <b>Theodore "Teddy" James</b> |          |                    |
|-------------------------------|----------|--------------------|
| Village                       | County   | Tribal Territory   |
| Chue-rey (Tsurai)             | Humboldt | Yurok (Ner-er-Ner) |
| Weych-pues (weitchpec)        | Humboldt | Yurok              |
| Mettah                        | Humboldt | Yurok              |
| Moreck                        | Humboldt | Yurok              |

| <b>Mayme (John) Keparisis</b> |           |                  |
|-------------------------------|-----------|------------------|
| Village                       | County    | Tribal Territory |
| Mettah                        | Humboldt  | Yurok            |
| Moreck                        | Humboldt  | Yurok            |
| Lake Earl                     | Del Norte | Tolowa           |

| <b>Fred Lamberson, Jr.</b> |          |                  |
|----------------------------|----------|------------------|
| Village                    | County   | Tribal Territory |
| Weych-pues (Weitchpec)     | Humboldt | Yurok            |
| Eel River Valley           | Humboldt | Wiyot            |
| Mad River                  | Humboldt | Wiyot            |

| <b>Myra (Lamberson) Lowe</b> |          |                  |
|------------------------------|----------|------------------|
| Village                      | County   | Tribal Territory |
| Weych-pues (Weitchpec)       | Humboldt | Yurok            |
| Eel River Valley             | Humboldt | Wiyot            |
| Mad River                    | Humboldt | Wiyot            |

| <b>Betty (John) Najmon</b> |           |                  |
|----------------------------|-----------|------------------|
| Village                    | County    | Tribal Territory |
| Mettah                     | Humboldt  | Yurok            |
| Moreck                     | Humboldt  | Yurok            |
| Lake Earl                  | Del Norte | Tolowa           |

| <b>Lillian J. Quinn</b>      |           |                  |
|------------------------------|-----------|------------------|
| Village                      | County    | Tribal Territory |
| Hoppel                       | Del Norte | Yurok            |
| Hoopla (probably Takmilding) | Humboldt  | Hupa             |
| Capell                       | Humboldt  | Yurok            |
| Koh-tep                      | Humboldt  | Yurok            |

| <b>Juanita Samuels (Letson)</b> |           |                  |
|---------------------------------|-----------|------------------|
| Village                         | County    | Tribal Territory |
| Requa                           | Del Norte | Yurok            |
| Mettah                          | Humboldt  | Yurok            |
| Moreck                          | Humboldt  | Yurok            |
| Lake Earl                       | Del Norte | Tolowa           |

**Appendix E - Continued**

| <b>Marian Seidner (Crutchfield)</b> |          |                  |
|-------------------------------------|----------|------------------|
| Village                             | County   | Tribal Territory |
| Table Bluff                         | Humboldt | Wiyot            |
| Eel River                           | Humboldt | Wiyot            |

| <b>Rose Joy (Crutchfield) Sundberg</b> |           |                    |
|--|-----------|--------------------|
| Village                                | County    | Tribal Territory   |
| Yah-ter                                | Humboldt  | Yurok              |
| Tuley Creek                            | Humboldt  | Yurok              |
| Turup                                  | Del Norte | Yurok              |
| Koh-tep                                | Humboldt  | Yurok              |
| Chue-rey (Tsurai)                      | Humboldt  | Yurok (Ner-er-ner) |
| Cho'-kwee (Stone Lagoon)               | Humboldt  | Yurok (Ner-er-ner) |
| Peen-pey (Big Lagoon)                  | Humboldt  | Yurok (Ner-er-ner) |

| <b>Harry J. Walker</b> |           |                  |
|------------------------|-----------|------------------|
| Village                | County    | Tribal Territory |
| Waukell Flat           | Del Norte | Yurok            |
| Requa                  | Del Norte | Yurok            |
| Pecwan                 | Humboldt  | Yurok            |
| Weych-pues (Weitchpec) | Humboldt  | Yurok            |

| <b>Cornelia Jean (Natt) Walker</b> |            |                    |
|------------------------------------|------------|--------------------|
| Village                            | County     | Tribal Territory   |
| Koh-tep                            | Humboldt   | Yurok              |
| Chue-rey (Tsurai)                  | Humboldt   | Yurok (Ner-er-ner) |
| Winchuck River                     | Curry (OR) | Chetco             |
| Yontocket                          | Del Norte  | Tolowa             |

| <b>George Williams</b> |          |                  |
|------------------------|----------|------------------|
| Village                | County   | Tribal Territory |
| Weych-pues (Weitchpec) | Humboldt | Yurok            |
| Capell (possibly)      | Humboldt | Yurok            |



## Elk Valley Rancheria, California

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The Elk Valley Rancheria (reservation) was established in 1909 and was purchased with funds appropriated pursuant to the Act of June 21, 1906 (34. Stat. at Large, 325-333) pursuant to which Congress allocated \$100,000 to purchase rancherias in California for Indians.

The Tribe in 1935 voted to accept the IRA. However, the Tribe was terminated pursuant to the terms of the California Rancheria Act in 1962. At the time of termination, the Tribe's reservation was approximately 100 acres.

In 1979, the Tolowa Indians of the Elk Valley Rancheria were represented in a class action lawsuit that was filed in the United States District Court for the Northern District of California against the United States and the Secretary of the Interior seeking an order from the Court that the reservation was never lawfully terminated because the Secretary of the Interior never provided the services required under the California Rancheria Act, which were a precondition to termination.

On March 2, 1987, the Honorable Spencer Williams, in the case of *Hardwick, et al. v. United States of America, et al.*, Civil No, C-79-171D SW (N.D. Cal), the United States District Court ordered that the Secretary of the Interior publish, in the *Federal Register*, a notice that the United States of America maintained a government-to-government relationship with the Tribe. The Court also held that the reservation had never been lawfully terminated and, therefore, that the boundaries of the reservation still existed. Finally, the Court ordered the Secretary of the Interior to take title to any property still owned by any Indian within the reservation in trust for the benefit of that Indian. See *Hardwick, et al. v. United States of America, et al.*, Civil No, C-79-171D SW (N.D. Cal.). The Tribe re-established its government-to-government relationship with the federal government. See *e.g.*, 67 Fed. Reg. 46328-46333 (2002).

Unfortunately, the Tribe, as a distinct entity, no longer owned any land within the reservation. The Indians had sold most of the property within the reservation to non-Indians to avoid forced tax sales and, thus, very few parcels of property on the reservation remained in Indian ownership.

On December 27, 1994, the Tolowa Indians of the Elk Valley Rancheria organized a new tribal government under the provisions of Indian Reorganization Act through the adoption of a Constitution that was subsequently approved by the Secretary of the Interior. See Exhibit 4 to Original Submission. The Tribe's Constitution provides at Article II – Territory:

The jurisdiction of the Elk Valley Rancheria shall extend to the territory within the boundaries of the Elk Valley Rancheria, as established in the judgment entered in *Hardwick v. United States of America*, U.S. District Court for the Northern District of California, No. C-79-1710-SW, and to such other lands as may be hereafter acquired by or for the Tribe, whether within or without said boundary lines. The jurisdiction of the Elk Valley Rancheria shall also extend to affiliated Indian country which is located contiguous to the Elk Valley Rancheria or other lands acquired by or for the Tribe.

In 1995, the newly re-formed tribal government entered into a seven year lease agreement with Betty Green, one of the Indians of the Tribe who still owned a parcel of property within the reservation that the United States government had accepted into trust under the *Hardwick* Judgment, for the purpose of conducting gaming on the Rancheria. After executing the lease, the Tribe constructed a gaming facility, which is the only tribal economic development project on the reservation. The gaming facility is the major employer on the reservation and provides the majority of the Tribe's income for operation of its tribal government.

## **B. Restoration of Former Tribal Lands**

Since 1995, when the Tribe obtained a source of income through Indian gaming, the Tribe has acquired land within the Rancheria, contiguous thereto, and near the reservation, which land the Tribe now seeks to transfer into trust status for the purpose of restoring its reservation and aboriginal land base. The Tribal Council has established an informal policy to obtain land within the reservation boundaries and land contiguous to or near the reservation boundaries – subject to funding availability. However, not until after 1995 did the Tribe have reasonably consistent funding available to acquire land. Prior to tribal government gaming, the Tribe was dependent upon donations of property, reduced acquisition costs, and other methods of transfer or acquisition.

At the time of restoration, the Tribe did not have any land held in trust for its benefit. Since 2002, The Tribe has successfully transferred approximately 400 acres into trust status pursuant to the IRA. The Tribe was under federal jurisdiction in 1934, voted to adopt the IRA after its enactment, and re-affirmed the application of the IRA in 1994 when the Tribe adopted its Tribal Constitution.

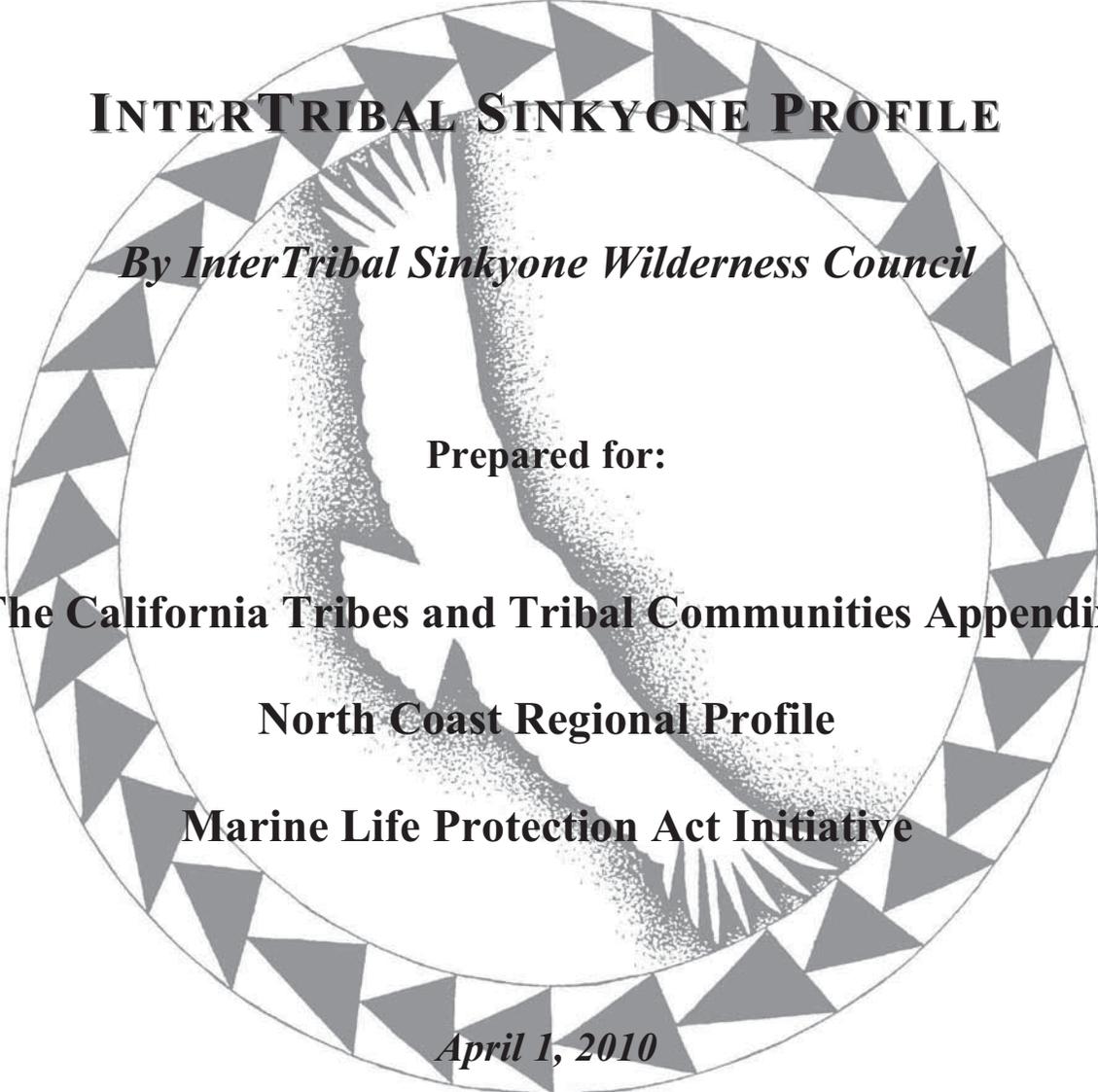
## **C. Impact of Trust Land Acquisition**

Each acquisition of tribal land into trust status furthers current federal policy to promote self-determination, economic development, and self-governance. In some cases, such as that of our Tribe, acquisition of land in trust remedies in a piece meal fashion the illegal termination of the Tribe under the California Rancheria Act. It restores opportunities lost for over 25 years and offers new opportunities to overcome the devastating result of failed, illegal termination of the Tribe.

Almost 50 years after termination, the Tribe has yet to re-acquire its reservation lands in trust or fee status. Rather, the Tribe has been forced to attempt to re-acquire land, often at inflated prices, and to acquire other parcels outside of the reservation in an attempt to provide for the basic governmental needs of the Tribe.

## **D. Use of Coastal Resources**

The Tribe's members are drawn from predominantly Tolowa and Yurok heritage. The Tribe's member have utilized marine coastal resources within the ancestral territories of the Tolowa and Yurok people since time immemorial; whether for subsistence purposes, for religious ceremonies, or simply to ensure that the spiritual balance and integrity of the world is maintained, coastal resources have and will continue to play a significant role in the daily lives of the Tribe's members.



**INTERTRIBAL SINKYONE PROFILE**

*By InterTribal Sinkyone Wilderness Council*

**Prepared for:**

**The California Tribes and Tribal Communities Appendix**

**North Coast Regional Profile**

**Marine Life Protection Act Initiative**

*April 1, 2010*



PHOTO © HAWK ROSALES

## **THE SINKYONE COAST**

### **LOOKING SOUTH FROM NEEDLE ROCK TO BEAR HARBOR**

***WE DEDICATE THE INTERTRIBAL SINKYONE PROFILE TO OUR ANCESTORS AND TO THE  
MANY TRIBAL ELDERS AND YOUNG PEOPLE OF TODAY WHO HAVE KEPT OUR  
TRIBAL TRADITIONS AND OUR ANCESTRAL CONNECTIONS  
TO THE COAST AND THE OCEAN ALIVE AND STRONG***

# **INTERTRIBAL SINKYONE PROFILE**

**By InterTribal Sinkyone Wilderness Council**

**Prepared for:**

**The California Tribes and Tribal Communities Appendix**

**North Coast Regional Profile**

**Marine Life Protection Act Initiative**

*April 1, 2010*

## **Introduction**

The *InterTribal Sinkyone Profile* is prepared by the InterTribal Sinkyone Wilderness Council as part of our advocacy for the protection of the aboriginal rights of North Coast Tribes to access, gather, and utilize their traditional marine and coastal resources for non-commercial subsistence, ceremonial, and other customary cultural uses, as they have for millennia. In its January 15, 2010 letter to the Marine Life Protection Act Initiative (MLPAI) that contained an overview of the InterTribal Sinkyone Wilderness Council's initial concerns with the *Draft Profile of the North Coast Study Region*, we enumerated a number of deficiencies in regard to Tribal information in the *Draft Profile*. The letter requested that Tribes be allowed time to develop and submit information for the MLPAI to include in the *Draft Profile* which "...specifically addresses Indian Tribes and their traditional and cultural resource uses in the Region. The number of Tribes, their documented connections to the areas under study and the significance of their interests justify this expanded treatment." The letter further stated: "Just as the Regional Profile assessed each unique marine resource, the Regional Profile must address each Tribe and their unique cultural, traditional, and present day use of marine resources in order to adequately portray Indian tribes in the North Coast."

We appreciate that the Regional Stakeholder Group and the Blue Ribbon Taskforce took this and other such requests into consideration and approved an extension of time for Tribes of the North Coast Region to submit important profile information so that decision-makers can more fully understand and take into account the importance of traditional Tribal use areas when evaluating the planned boundaries and designations of proposed Marine Protected Areas (MPAs).

The Council thanks the Tribes, Tribal Councils, Tribal members, and Tribal Stakeholders who have contributed in so many ways to bringing Tribal perspectives into the MLPAI process. We thank MLPAI staff, the Blue Ribbon Taskforce, and the Regional Stakeholders, as well as the Department of Fish and Game and the Fish and Game Commission for listening to the concerns of North Coast Region Tribes and working with them to develop solutions that will achieve the dual goals of protection for traditional cultural uses and conservation of marine resources. The Council also thanks the North Coast community at large for its support of Tribal concerns, and especially the local interest groups that advocated for Tribal rights in their proposed arrays.

## **Overview of the InterTribal Sinkyone Wilderness Council**

This section provides information about the InterTribal Sinkyone Wilderness Council (hereafter, Council). The Council is a 501(c)(3) nonprofit Tribal conservation consortium comprised of ten federally recognized North Coast Tribes that retain important ancestral, cultural, and historic ties to the ancestral Sinkyone Tribal territory located in southern Humboldt and northern Mendocino Counties. The Council's member Tribes include: Cahto Tribe of Laytonville Rancheria; Coyote Valley Band of Pomo Indians; Hopland Band of Pomo Indians; Pinoleville Pomo Nation; Potter Valley Tribe; Redwood Valley Band of Pomo Indians; Robinson Rancheria of Pomo Indians; Round Valley Indian Tribes (a confederation of 7 Tribes); Scotts Valley Band of Pomo Indians; and Sherwood Valley Rancheria of Pomo Indians. The 7 confederated Tribes of Round Valley include: Yuki, Wailaki, Pomo, Little Lake, Nomlaki, Concow, and Pit River. Eight of the Council's member Tribes are situated in Mendocino County; two are situated in Lake County (Robinson Rancheria of Pomo Indians and Scotts Valley Band of Pomo Indians).

The Council was founded in 1986 by and for its member Tribes as a way of conserving critical areas of Sinkyone lands and to protect and revitalize Tribal cultural resources and values. Each of the Council's member Tribes has joined the organization through a certified Tribal resolution expressing the Tribe's intent to join and to support the Council's cultural land conservation efforts. Each member Tribe selects and appoints its own Tribal representative and often an alternate representative. The Tribal representatives collectively comprise the InterTribal Sinkyone Wilderness Council's board of directors. The Council represents Tribal members who trace their lineage to original Sinkyone Indian families from Tribally important locations within the Sinkyone territory. The Sinkyone territory is the Council's geographic area of focus, within which it conducts the vast majority of its cultural conservation work.

The Council was formed to permanently protect threatened Sinkyone coastal redwoods from further clearcut logging and to return local Tribes' stewardship to this land and the adjacent coastal area. In 1997 the Council purchased from The Trust for Public Land (TPL) the 3,845-acre Sinkyone Upland Parcel wherein it established the first-ever InterTribal Wilderness area, which the Council permanently protected through conservation easements and its return to the land's indigenous people. The Mendocino County Board of Supervisors (BOS), the State Coastal Conservancy, The Trust for Public Land, The Pacific forest Trust, the public, and various state legislators all supported the Council's acquisition of the InterTribal land. In 1994 the Mendocino BOS voted unanimously to support this acquisition by InterTribal because of the benefits to the County and the people of the State of California that would result from returning this land to the indigenous people. In its resolution of support, the BOS stated "the Intertribal [*sic*] Sinkyone Wilderness Council (ITSWC) was formed as a nonprofit organization comprised of appointed representatives of ten federally recognized California Indian tribes, including direct descendants of the Sinkyone tribal peoples which inhabited the area for generations."<sup>1</sup> In 1995 the California State Coastal Conservancy voted unanimously to approve the transfer of the Sinkyone land to the Council.

The Council holds and manages the InterTribal land on behalf of its member Tribes, and was the first Tribal entity in the U.S. to enter into a conservation easement with a private land trust. The Council's cultural conservation work occurs primarily within its InterTribal Sinkyone

Wilderness land and the adjacent 7,250-acre Sinkyone Wilderness State Park. The so-called “Lost Coast” is comprised of the Sinkyone Wilderness State Park, the BLM King Range National Conservation Area, and the InterTribal Sinkyone Wilderness. It is the longest stretch of permanently protected coastal wilderness in the lower 48 states.

For more than 23 years, InterTribal Sinkyone Wilderness Council has conducted cultural conservation work in ancestral Sinkyone territory through a program that includes land preservation, watershed rehabilitation, salmon stream restoration, cultural resource protection and traditional uses/activities, Tribal/public access and recreation, and education. Council representatives have traveled throughout the U.S. and to other countries to present the story of this intertribal land conservation movement. The Council has received international attention and acclaim for its achievements. Articles about the Council’s establishment of the InterTribal Sinkyone Wilderness and other aspects of its cultural land conservation work have appeared in prominent publications, including *Washington Post*, *Sierra Magazine*, *Los Angeles Times*, *San Francisco Chronicle*, *Audubon Magazine*, *International Journal of Wilderness* (see: <http://www.wild.org/main/communications/international-journal-of-wilderness/april-2010-volume-16-number-1/>)<sup>2</sup>, and many others. Over the years, the Council has presented information about its work to state and federal agencies and legislators, Tribal organizations, foundations, nonprofit organizations, schools, and celebrities.

Current and planned cultural-ecological uses and stewardship for the InterTribal Sinkyone land and other properties within the Sinkyone territory include:

- Traditional non-commercial gathering (i.e., harvesting) of culturally important plants and animals
- Ceremonial activities and uses
- Protection and stewardship of sacred and other cultural areas
- Protection for and restoration of Sinkyone cultural/ecological values (water quality, fish habitat, soil conservation, redwood ecosystem, coastal and marine plant and animal communities, basketmaking plants, endangered species’ habitat, etc.)
- Reintroduction of traditional fire management regime
- Reintroduction of native species now extinct within the Sinkyone region
- Reduction of fuel-load hazardous areas
- Cultural-recreational activities
- Cultural-educational programs
- Youth and elders cultural gatherings
- InterTribal Wilderness hiking trails network

The Council collaborates with local Tribes; environmental organizations; land trusts; state and federal agencies; universities; scientists; activists; foundations; and community supporters. The Council has received funding support for its cultural land conservation projects from the following agencies and foundations: DHHS/ACF (Administration for Native Americans); National Parks Service (Historic Preservation Grant Program); U.S. Forest Service; California State Coastal Conservancy; Cal Fire; California Department of Parks and Recreation; California Department of Fish and Game; State Water Resources Control Board; The Trust For Public Land; Ford Foundation; Lannan Foundation; Patagonia; The Conservation Alliance; Nathan

Cummings Foundation; Compton Foundation; Tides Foundation; Seventh Generation Fund; Bill Graham Foundation; Foundation for Deep Ecology; and many others. The Council has secured millions of dollars for its project work from the above sources and public donations.

The Council has developed collaborative projects with Stanford University, U.C. Berkeley, University of Oregon, U.C. Davis, and Humboldt State University in the areas of Natural Resource Management Planning; GIS Mapping; Cultural, Avian, Wildlife, Fisheries, Forest, and Botanical Surveys and Inventories; Sinkyone Environmental Justice Classes; Public Awareness and Fundraising; and case studies on Native Peoples' Land Conservation. The Council produced an award-winning documentary film entitled *The Run To Save Sinkyone*, which screened at the Sundance Film Festival in 1995, and at ten other film festivals. The film is dedicated to survivors of the Sinkyone holocaust and tells the story, in local Tribal members' own words, of the struggle to save the Sinkyone land from further clearcut logging and return it to Native stewardship. The Council has developed strong working relationships with community businesses and organizations in southern Humboldt, including Seventh Generation Fund, Trees Foundation, Sanctuary Forest, Mattole Restoration Council, Environmental Protection Information Center, Restoration Forestry, and others. A number of the Council's project sites are located in southern Humboldt County. The Council is a member of the Garberville Redway Chamber of Commerce.

The Council has created and administered over 100 seasonal jobs in cultural-natural resource management. Tribal and non-Tribal members have been hired and trained for these jobs, which include the areas of: Native ethnography, cultural resources surveying and monitoring, cultural plants inventories, in-stream salmonid inventories and habitat improvement, forest inventories, watershed assessments, road decommissioning, marbled Murrelet surveys, trails surveys, and many other areas. The Council's work has always been focused on the positive goals of bringing empowerment and healing to local Tribes and the land.

The Council has developed over a dozen collaborative projects with California Department of Parks and Recreation. The Council's InterTribal Wilderness land contains the upper reaches of 7 coastal watersheds that drain into the adjacent Sinkyone Wilderness State Park, and thence into the Pacific Ocean. The Council's InterTribal Sinkyone Wilderness property shares an approximately 12-mile boundary with the Sinkyone Wilderness State Park, and since 1990 the Council has been actively engaged in co-managing the State Park's cultural resources through a collaborative resource management program with local State Park officials. The InterTribal Sinkyone Wilderness Council helped craft the wording for the Final General Plan for the Sinkyone Wilderness State Park (SWSP), which was approved by the State Parks Commission on November 3, 2006. A special section of the SWSP Final General Plan is devoted to a discussion of the InterTribal Sinkyone Wilderness Council and its role as a partner and neighbor of Sinkyone State Park lands (pp. 2-6 and 2-7, *Existing Conditions*). The Plan also states that a primary Park goal is the protection of Native American cultural resources, a goal that State Parks will achieve by working with "...the InterTribal Sinkyone Wilderness Council to achieve conservation of these culturally important lands."<sup>3</sup> The California State Park Partners website contains a page about InterTribal Sinkyone Wilderness Council that describes the Council's collaborative efforts with State Parks' North Coast Redwoods District.<sup>4</sup> The Council was the recipient of the prestigious 2008 State Parks Dewitt Award for Partnership.<sup>5</sup>

Beginning in 1991 and continuing through 2006, the Council assisted in the decommissioning of more than 60 miles of logging roads and stream crossings in the 7,250-acre Sinkyone Wilderness State Park, which led to its 2006 designation as an official State Wilderness. The Sinkyone State Park watershed rehabilitation has dramatically reduced sediment deliveries to Sinkyone coastal streams and ocean waters, thereby significantly improving water quality and the quality of salmonid and other species' habitats. The Council's participation in this project was supported by a \$253,000 grant from the State Water Resources Control Board, which provided funds to train Tribal heavy equipment operators in the specialized field of removal of abandoned logging roads, landings, and stream crossings and the recontouring of these features back to their original gradients and configurations.<sup>6</sup> The Council also provided cultural resource monitoring for the duration of the Sinkyone watershed rehabilitation projects.

For many years, the Council also has worked to improve native salmonid habitat in Wolf (Jackass) Creek, within both the Council's property and the Sinkyone State Park. The Wolf Creek watershed is the largest watershed on the Council's property (70% of the watershed is owned by the Council and 30% is owned by California State Parks). Through funding from the Department of Fish and Game, the State Coastal Conservancy, and private Foundations, the Council has completed important work in fish habitat surveys and inventories; stream condition assessments; streambank stabilization; instream barrier modifications and grade structures; and monitoring. The lower ¼ mile of Wolf Creek, including its estuary, is subjected to saltwater incursion, as are a number of other streams and estuaries along the Sinkyone coastline.

The **intertribal** concept is very important because the Council's member Tribes retain aboriginal, ancestral, historic, and cultural ties to the land and ocean waters of the Sinkyone territory. The Council's ten federally recognized, sovereign Tribes have members hailing from various Northern California indigenous ethnicities including: Bear River, Cahto, Coast Yuki, Concow, Huchnom, Hupa, Karuk, Lassik, Mattole, Nomlaki, Nongathł, Pit River, Pomo, Sinkyone, Tolowa, Wailaki, Wintu, Wiyot, Yuki, Yurok, and many others. Historically, many of these indigenous peoples interacted in one degree or another with the area and the people now referred to as Sinkyone.

The Council's Tribes have members who trace their ancestry directly back to full-blooded Sinkyone Indian people who survived an era of genocide and lived well into the twentieth century. An article entitled *The InterTribal Sinkyone Wilderness Council*, published in the April 2010 edition of the *International Journal of Wilderness*, states: "In the mid-1850s, however, the Sinkyone people were suddenly and violently confronted with invading multitudes of Euro-American settlers who considered themselves entitled to indigenous peoples' lands and resources. Within 15 years, most of the Sinkyone people were annihilated through a combination of massacres, slavery, forced relocations, starvation, land theft, introduced diseases, rape, impoverishment, and other atrocities."<sup>7</sup>

*My grandfather and all of my family — my mother, my father, and we — were around the house and not hurting anyone. Soon, about ten o'clock in the morning, some white men came. They killed my grandfather and my mother and my father. I saw them do it. I was a big girl at the time. Then they killed my baby sister and*

*cut her heart out and threw it in the brush where I ran and hid. My little sister was a baby, just crawling around. I didn't know what to do. I was so scared that I guess I just hid there a long time with my little sister's heart in my hands. I felt so bad and I was so scared that I just couldn't do anything else. Then I ran into the woods and hid there for a long time. I lived there a long time with a few other people who had got away. We lived on berries and roots and we didn't dare build a fire because the white men might come back after us. So we ate anything we could get. We didn't have clothes after a while, and we had to sleep under logs and in hollow trees because we didn't have anything to cover ourselves with, and it was cold then — in the spring. After a long time, maybe two, three months, I don't know just how long, but sometime in the summer, my brother found me and took me to some white folks who kept me until I was grown and married.*

—Sally Bell, Sinkyone survivor.<sup>8</sup>

The following statement summarizes the pervading attitude of this era:

*Many people are inclined to put on a sentimental air and charge that the white man has been the cause of all this decimation among [the Indians'] ranks. Such, however, does not seem to be the case. The truth is, that they had served their purpose in the great economy of God, and the fullness of time for their disappearance from the earth has come, and they are going to go.*

—*History of Mendocino County California*<sup>9</sup>

The State and federal governments paid white citizens for the scalps of Sinkyone men, women, and children, and many Indian toddlers and young people were sold as slaves to wealthy families throughout California. The U.S. Army removed Sinkyone survivors to concentration camps, called reservations, which were established throughout the region. In the ensuing years, Sinkyone people married other peoples of local Tribal affiliations and eventually became enrolled members at several Tribes located throughout the region.<sup>10</sup> The largest coastal reservation in California was the Mendocino Reservation, which was established in 1856.<sup>11</sup> In 1857 the Mendocino Reservation was extended to include the entire coastline from Noyo River to the Mattole River and Bear River valleys in Humboldt County.<sup>12</sup> The reservation included the entirety of the coastline within ancestral Sinkyone and Coast Yuki Tribal territories, and several miles of the coastline within ancestral Northern Pomo Tribal territory.

Despite the genocide and subsequent colonialism imposed on the Sinkyone and other ocean-based Tribes of the region, local Indian families have remained strongly connected to their ancestral coastal gathering and ceremonial places, and have always returned throughout the seasons to gather seaweeds, surf fish, mussels, abalones, and many other important marine and coastal plant and animal species, as well as offer their prayers and songs and their thanks for the many gifts of the sea. There is a long and unbroken history of local Indian Tribal peoples using the ocean for physical and spiritual sustenance. The Tribes have never relinquished their right to access and use the ocean and they never will. For millennia, North Coast Tribes have relied upon the ocean for their very existence and for the continuation of their traditional lifeways.

Regardless of the circumstances that may arise, the Tribes will continue to gather its bounty and otherwise rely upon the ocean because in doing so they are exercising their birthright and their responsibilities as the traditional stewards of ocean.

It is largely out of respect for the original Sinkyone people and their descendants that the InterTribal Sinkyone Wilderness Council was formed and continues to carry out its cultural land conservation work. The fundamental concept behind, and success of, the InterTribal Sinkyone Wilderness Council is the multi-Tribal emphasis of this effort. Sinkyone Indian land constitutes a vital and irreplaceable part of local Tribes' and Tribal peoples' cultural heritage and wellbeing. Of particular importance to the Council's member Tribes, as well as other to other North Coast Tribes, are the marine and coastal zones of their respective ancestral and aboriginal territories. The ocean is the source of life and of spirituality for the Tribes, and Tribal peoples have always treated—and continue to treat—its many elements with the greatest of care and respect.

In addition to the Sinkyone territory, the Council's member Tribes individually retain important ancestral, aboriginal, cultural, and historic ties to vast areas of Mendocino and Lake Counties, including the Mendocino coast and ocean waters lying south of the Sinkyone Territory—within the ancestral Tribal territories of the Coast Yuki People and the Pomo People. Some geographic overlaps apply to Tribal common-use areas where two or more Tribes utilized and continue to utilize marine resources along certain stretches of coastline, both historically and contemporarily.

Two federally recognized Tribes in Mendocino County are not members of the InterTribal Sinkyone Wilderness Council are: the Guidiville Band of Pomo Indians, and the Manchester-Point Arena Band of Pomo Indians. Additionally, the Yokayo Tribe of Indians and the Noyo River Indian Community are two longstanding, albeit non-federally recognized, Tribal communities located within Mendocino County.

Lake County Tribes that are not members of the Sinkyone Council include: Big Valley Rancheria of Pomo Indians; Elem Indian Colony of Pomo Indians; Habematolel Pomo of Upper Lake; Lower Lake Rancheria; and Middletown Rancheria of Pomo Indians.

The MLPA Initiative also affects federally recognized Tribes in Humboldt County, including: Yurok Tribe; Cher-Ae Heights Indian Community of Trinidad Rancheria; Wiyot Tribe; Bear River Band of Rohnerville Rancheria; Big Lagoon Rancheria; Blue Lake Rancheria; and others. The Del Norte County Tribes affected by the MLPA include: Smith River Rancheria; Elk Valley Rancheria; Resighini Rancheria; and Yurok Tribe.

In all, approximately 30 North Coast Tribes continue to rely on marine and coastal resources. The Tribes' traditional cultural resources could suffer serious cultural, social, and environmental repercussions by the implementation of MPAs that infringe on their customary use areas. The Tribes' right to self-government predates the formation of the United States and the State of California. **The Tribes have never relinquished or ceded their aboriginal rights to traditional and customary use of the coastline and marine waters within the North Coast Region.**

It is important for the State of California to understand that the ocean and the coastal areas are immeasurably vital for the spiritual, cultural, social, and physical wellbeing of each and every North Coast Tribes. Equally important is the fact that, within their respective ancestral territories, each North Coast Tribe views coastal and marine areas en toto as culturally important and vital to the health and wellbeing of Indian peoples. It is true that many areas of the Sinkyone coastline are extremely steep and inaccessible; therefore, access by Tribal members is naturally restricted mainly to the beach areas, many of which require hiking from inland locations. Nevertheless, the entire Sinkyone coastline is considered culturally important for many reasons. And while some areas may be visited and used more than others, the Tribes view the ecosystem holistically, knowing that all its complex components are interrelated and critical for ensuring the abundance and diversity of the system as a whole. The Tribes have not only understood this dynamic for millennia; they have been and continue to be the active practitioners, managers, stewards, and guardians of the natural world. For indigenous peoples, “natural” is inseparable from “cultural.” Everything within the natural world is culturally significant to the Tribes. We do not view ourselves as being separate from the natural world, but merely as part of it. Our spiritual beliefs, our teachings, and our ceremonies instruct us to live respectfully and in harmony with the rest of nature, taking only what we need to sustain the wellbeing of both our people and the plants and animals that we have always depended upon.

The InterTribal Sinkyone Wilderness Council is deeply concerned about the impacts the MLPA poses to its 10 member Tribes, as well as the impacts it poses to all other Tribes in the North Coast Region. The Council is heartened to see that the Tribes of the North Coast are supporting one another on this issue of great importance, which constitutes one of the gravest cultural and environmental threats ever faced by California Indian peoples. Since convening in September of 2009, the North Coast Tribal Coalition has met 6 times to share information about the MLPAI and develop responses regarding its potential repercussions to the Tribes.

The InterTribal Sinkyone Profile contains the following appendices:

**Appendix A—State Park Beaches and Other Marine Areas of Cultural Significance to Tribes of Mendocino and Lake Counties.** This appendix contains is a list of beaches, rocks, estuaries, and other marine areas used by the Council’s member Tribes for non-commercial gathering of plant and animal species, ceremonial activities, and other traditional cultural purposes. To our knowledge, all these locations are located on properties held and managed by California State Parks. In order to protect the confidentiality and privacy of cultural knowledge, the list only includes the names of beaches or other features, and does not provide any information about the actual cultural uses or significance for, or the culturally significant species that occur at, any specific marine/coastal location. The list is by no means a complete catalog of all marine/coastal locations of cultural significance.

**Appendix B—Sinkyone, Coast Yuki, and Pomo Tribal Territories.** This appendix contains maps that depict marine/coastal areas of cultural significance to the InterTribal Sinkyone Wilderness Council, its member Tribes, and other Tribes of Mendocino and Lake Counties. The maps depict the Tribal territories as extending 10 miles from the shoreline into ocean waters, although that distance is by no means the limit that the Tribes place on their ancestral ocean waters.

**Appendix C—Species List of Traditional Cultural Marine Plants and Animals Used by Tribes of Mendocino and Lake Counties For Food, Medicine, Ceremonial and other Cultural Purposes.** This appendix contains a list of culturally significant, traditional-use marine plant and animal species that occur generally in the coastal/marine zone (not specific to any location). This list includes common, and in most cases, scientific names. To protect the confidentiality and privacy of cultural knowledge, the list does not reference any specific location where these species occur. The list is by no means a complete catalog of all plant and animal species of cultural significance.

**Appendix D—Bibliography of Ethnographic Works Relating to North Coast Tribes.** This appendix contains a list of published ethnographic and similar works pertaining to the history and culture of Tribal Peoples of the North Coast region.

### **Sinkyone Ancestral Tribal Territory**

As noted earlier, the Council’s member Tribes (as well as other Tribes of the North Coast Region) retain important ancestral, cultural, and historic ties to the Sinkyone Tribal territory. The Sinkyone territory is the geographic area historically occupied by the 14 sub-groups that are known collectively as the Sinkyone. These groups include: Sin-kiene/Sinkunna; To-cho’-be ke’-ah; Lo-lahn’-kok; To-kub’-be ke’-ah; Ko’se-ke’; Chi-chin-tah ke’-ah; Nal-tcunk-kuk ke’-ah; Ta-dut-tci ke’-ah; Ki-lun-dun ke’-ah; Yese-kuk; Che-tang-ahng; Nahs-lin-che ke’-ah; Tahng-i-ke’-ah; and Yosawl/Yoshol. Many Tribes of the region have members that trace their lineage to members of these Sinkyone sub-groups. Therefore, local Tribes retain both ancestral and aboriginal use rights to the coastline and marine waters of the Sinkyone ancestral territory.

Additionally, as noted earlier, the Tribes and Tribal communities of Mendocino and Lake Counties retain important ancestral and aboriginal use rights to the coastline and marine waters of Mendocino County that lie south of the Sinkyone territory, from approximately Rockport south to the region south of Alder Creek. In other words, the marine waters and coastal areas of all of Mendocino County, and the area of Humboldt County from its border with Mendocino County thence northward to around Punta Gorda, remain culturally significant to the Tribes and Tribal communities of Mendocino and Lake Counties.

Due to the fact that the Council is charged with the conservation and stewardship of the cultural-ecological resources and values of the Sinkyone region, the following discussion focuses on the Sinkyone Tribal territory. The Sinkyone territory includes the coastline and ocean waters from the around the mouth of Fourmile Creek near Punta Gorda at the north end, thence southward to around the mouth of Cottoneva Creek near Rockport at the south end (see Appendix B). The Sinkyone territory extends from this coastline eastward to the north/south-oriented system of ridges located immediately east of, and parallel to, the Tah-cho (mainstem Eel River) and the Sink-yo-kōk (South Fork Eel River), east of the towns of Scotia of Leggett.

According to the Sinkyone informant Little Charlie, “**Sinkyone**” was the word used by the

Nongathl people to identify the Tribal group now commonly referred to as Sinkyone. In 1908, he informed Goddard that: “[N]ongatl call us **Sinkyone**.”<sup>13</sup> Sinkyone territory is bordered to the north by the Mattole, the Bear River, and the Wiyot territories; to the east by the Nongathl, the Lassik, and the Wailaki territories; and to the south by the Yuki, the Cahto, and the Coast Yuki territories. Inhabitants of villages near the borders of the Sinkyone, Coast Yuki, Cahto, Mattole, and Wiyot territories were usually fluent speakers of the language of their neighbors. It is even recorded that inhabitants of some of the villages near the Sinkyone-Wiyot and near the Sinkyone-Coast Yuki borders considered themselves to be citizens equally of both Tribal groups.

It is important to understand that the territorial boundaries of North Coast Tribes were not determined by the ethnographers. Sinkyone and other Indian informants intimately familiar with the extent of their territories described these boundaries to early ethnographers. Elsasser remarks that the “...many native groups in California who may be neighbors separated geographically by a single mountain ridge, for example, but yet find themselves behaving like so many small, separate nations.” Several ethnographers subscribe to this concept. Gladys Nomland, who interviewed Sally Bell, Jenny Young, and Jack Woodman in the 1920s states, “The Sinkyone (Kaikomas) are an Athabascan tribe living in southern Humboldt and northwestern Mendocino counties...Feeling of solidarity, *precisely established boundaries*, dialectical differences, and...outstanding differences in culture set them off as a distinct unit which shares the common northwest California culture.”<sup>14</sup> Emphasis added.

Territorial boundaries are important because indigenous peoples historically had to possess a very accurate understanding of the perimeters of their own—and their neighbors’—lands. Not being familiar with territorial boundaries could result in being attacked for invading a neighboring group’s territory. Stephen Powers, probably the earliest ethnographer to enter the Sinkyone territory, traveled through the area in the 1870s. He observed, “...it is necessary to premise that *the boundaries of all the tribes* on Humboldt Bay, Eel River, Van Dusen’s Fork, and in fact everywhere, *are marked with the greatest precision*, being defined by certain creeks, cañons, bowlders, conspicuous trees, springs, etc., each one of which objects has its own individual name. It is perilous for an Indian to be found outside his tribal boundaries, wherefore it stands him well in hand to make himself acquainted with the same early in life... Over and over, time and again [Indian children] rehearse all these bowlders, etc., describing each minutely and by name, with its surroundings.”<sup>15</sup> Emphasis added.

Examples of California Tribal groups who relied on extremely site-specific territorial boundary markers are ubiquitous. The Yurok and other Northern California Tribes utilized very specific boundary markers such as trees, stretches of stream, bowlders, and ridges to demarcate areas of land that were owned by specific families and clans. To this day, a number of local Indian families retain knowledge regarding the locations of Tribal boundary markers. These markers often are associated with sacred sites, so details about their location and nature cannot be revealed to the public or to persons who do not need to possess this knowledge. In local Tribal oral histories, there are numerous references relating to the fact that Tribes had well-established Tribal territorial boundaries.

The Sinkyone were strongly allied with the Coast Yuki. According to Edward Gifford, “At Usal both Coast Yuki and Sinkyone were spoken. Most or all Coast Yuki spoke or understood

Athabaskan, especially Sinkyone and Kato [Cahto].”<sup>16</sup> He also states, “The Coast Yuki intermarried with the Sinkyone of Usal and Bear Harbor.”<sup>17</sup> The Sinkyone people of the Usal area were often referred to as the Yo-shal or the Yosal (from which the word “Usal” may be derived). To-cho-be keah Sinkyone survivor Sally Bell married Richard Bell who was a full-blood Coast Yuki. When Richard Bell died, Sally married his full brother Tom Bell. These unions support the fact that the To-cho-be keah Sinkyone, the Yo-shal Sinkyone, and the Coast Yuki were all interlinked by social, kinship, geographic, and cultural connections.

It is well documented that prior to the whites’ arrival, the area surrounding the lower Usal Creek valley was recognized as a joint use area of the Sinkyone, the Cahto, and the Coast Yuki. The Coast Yuki often traveled into various parts of Sinkyone territory, but under friendly terms to meet, gather, harvest, and trade with the Sinkyone. They sent messengers to ask permission for travel or resources. According to Tony Bell, the Coast Yuki traveled “...north as far as Needle Rock; lived as far as these places at times but no farther.”<sup>18</sup> Similarly, the Sinkyone often traveled in a friendly manner south into Coast Yuki territory. Tony Bell, a Usal Sinkyone/Coast Yuki, heard about a whale feast held on top of a bluff south of DeHaven Beach (north of Westport) from a Sinkyone man who had attended it.<sup>19</sup>

To this day, Native people who are enrolled members local Tribes widely recognize the Usal area as an intertribal cultural use, non-commercial gathering, and ceremonial area. Historically, and contemporarily, the Sinkyone region is considered to be the aboriginal Tribal use of many Tribes of the North Coast region due to the Tribes’ kinship connections to the original Sinkyone People, as well as the fact that many Tribes of the region for millennia traveled to, traded with, and in other ways socialized with the Sinkyone People.

As with many other locations within the Sinkyone territory, local Indian persons of various local Tribal affiliations have used the Usal and other beaches at Sinkyone since around the 1860s when the original Sinkyone people lost their control of this region. Since that time, persons of the following Tribal affiliations have utilized traditional cultural resources in at Usal and other Sinkyone locations: Sinkyone, Coast Yuki, Pomo, Huchnom, Yuki, Wailaki, Lassik, Nongathl, Wiyot, Bear River, Mattole, and others. Since 1986, the InterTribal Sinkyone Wilderness Council has hosted numerous intertribal cultural events at Usal. These events have been coordinated with Indian families from Cahto, Round Valley, Noyo, Sherwood Valley, Bear River, and other Tribes in the region that retain strong cultural and historic ties to Sinkyone. At these cultural events, traditional ceremonies are held and traditional coastal foods are prepared and eaten. Local Tribal singers and dancers come to pray for the land and the people. Also at these events, elders of Sinkyone and other local Tribal ancestry are honored. Ceremonial and educational activities at the beach are vitally important to the Tribal members attending these events.

Sinkyone, Cahto, Coast Yuki, Pomo, and Yuki descendants all still jointly utilize Usal and other areas of Sinkyone for traditional cultural uses, in fact often simultaneously. The InterTribal Sinkyone Wilderness Council has extensively documented many of these cultural uses by Tribal members who possess one or more of these ethnicities. Several years ago the Council interviewed a Sinkyone elder whose father was a renowned root-fiber fishnet maker from Usal.

In the Tribal memories of the Sinkyone Indian people whom the whites first encountered, there existed plenty of detailed information regarding the locations and extent of their Tribal boundaries and cultural ways. This information is based on ancient knowledge handed down through the generations and, some of which has been documented by ethnographers. This information includes specific features such as the locations of villages, seasonal camps, non-commercial gathering areas, ridges, watercourses, sacred sites, and other places that provide reference to the Tribal territorial boundaries and cultural uses and ways. While some of this information is contained in the recorded ethnologies, much of it has also been passed down through Indian families to today's Tribal members. It is important to note that many Tribes in the North Coast are engaged in the revitalization of ancient marine cultural practices that were interrupted by the arrival of Euro-American settlers in the 1850s. Some of these practices include the revival of sea-travel and pelagic fishing using traditional dugout redwood boats; the use of native plant fibers to make fishing nets and lines; the manufacture of harpoons from antlers, and other cultural ways the knowledge of which has been retained by certain families.

### **Cultural Significance of Coastal and Marine Areas**

Throughout the year, many local Indian families frequently use Usal and numerous other beaches and coastal/marine areas within the Sinkyone, Coast Yuki, and Pomo territories for traditional non-commercial subsistence gathering, ceremonial, and other cultural purposes. See Tribal Territorial maps in Appendix B.

The Tribes' traditional diet, which is rich in the varied foods of the ocean, is a common cultural denominator for all Tribes of the North Coast Region. Below is a very tiny snapshot of the great variety of edible ocean foods we have continuously enjoyed since time immemorial, along with some of their nutritional values. Each Tribe or Tribal family may prepare these seafoods differently but the nutritional values are relatively the same.<sup>20</sup> See Appendix C for a longer sample list of marine and coastal species of cultural importance to the Tribes of Mendocino and Lake Counties.

#### ***Seaweeds***

Seaweeds are rich in iron, and iodine and contain calcium, magnesium, potassium, niacin, Vitamin C, Vitamin E, and Vitamin K. They are an excellent source of riboflavin and phosphorus. Seaweeds are gathered by hand during low tides for non-commercial use. Seaweed gathering provides excellent physical exercise.

#### ***Surf Fish (Smelt)***

Surf fish is an excellent source of Omega 3, and is scientifically proven to reduce cardiovascular disease. This food source contains calcium, iron, niacin, Vitamin B12, pantothenate, potassium, phosphorus, magnesium and zinc. Surf fishing is a physically demanding activity, and requires the use of A-frame net, throw net, fishing baskets, or dip nets.

#### ***Abalone***

Abalone is an excellent source of protein. It contains sodium, carbohydrates, iron, niacin, Vitamin B12, pantothenate, potassium, phosphorus, magnesium and zinc. Diving for abalone is extremely strenuous exercise, and usually requires two people for safety reasons.

Abalone is valuable not only for its many nutritional qualities, but for ceremonial regalia and trade.

### ***Mussels***

Mussels are an excellent source of protein, and also contain sodium, carbohydrates, and an array of vitamins and amino acids. Mussels are gathered for non-commercial use and must be cooked and eaten almost immediately after gathered.

### ***Eels (Lamprey)***

Eels and/or lamprey are an excellent source of protein, niacin, Vitamin B12, Vitamin C, Vitamin E, potassium, sodium, calcium, and magnesium. The practice of traditional fishing and gathering events like eeling strengthen a familial bond that encompasses not only family members but the whole Tribal community.

Our Tribal identities and traditional customs stem from ancient knowledge passed down from generation to generation. Understanding marine tides, rock formations, wind and sun variances, water quality, seasonal change, migration of species, land geography and a myriad of other natural data helps us to determine optimum opportunities to engage with nature. Without this interface with coastal and marine areas, Tribal Peoples would simply lose our connection to the ocean. In our Tribal cultures, there are many lessons regarding how, when, why, where, and how much to gather, as well as who actually conducts the gathering activities.<sup>21</sup>

The Sinkyone inhabited many areas in and around the coastal ecosystem. The coastal ecosystem profoundly influenced all elements of Sinkyone culture, from ecological practices to their hunting and food gathering patterns to their architectural styles of house and boat building and their spiritual beliefs. All these elements were informed by the Sinkyone people's relationship with the ocean. Countless plants and animals are unique to the coastal ecosystem and are not found in the more arid and open areas to the east. While they have their own unique cultural lifeways, the Coast Yuki and the Pomo share a number of important cultural elements with the Sinkyone, including their reliance on the ocean for physical and spiritual sustenance. All three Tribal Peoples utilized a number of similar fishing and food gathering methods both in the ocean and in estuarine habitats and coastal streams.

The Sinkyone controlled 130 miles of coastal and inland fishing streams.<sup>22</sup> Of the southern Athabascan peoples, only the Sinkyone and the Mattole appear to have followed the pattern of the Lower Klamath River peoples (Yurok, Hupa, and Karuk) in utilizing fish as a primary source, more than game and acorns. The Sinkyone shared 46 (65%) of the 71 fishing traits referred to as 'characteristic' of northwestern California by Kroeber and Barrett.

The Sinkyone constructed shovel-nosed redwood dugout boats by using elkhorn chisels and fire to hollow them out.<sup>23</sup> The Sinkyone used these canoes on the mainstem Eel, at least up to the entrance of the South Fork Eel.<sup>24</sup> Like the Yurok, Hupa, and other Klamath River Tribes, the Sinkyone spoke to their boats and carved seats, foot braces, and hearts and into them.<sup>25</sup> They believed their boats were alive and regularly used them in the Eel River and the ocean. The Sinkyone also used torches affixed to their boats "for spearing salmon from canoes or banks at night."<sup>26</sup> All the boat culture traits of the Sinkyone are in consonance with those of the fishing-

based peoples along the Lower Klamath.

The Sinkyone also regularly conducted pelagic hunting. Nomland provides details about this: “Seal and sea lion speared from large redwood canoes, killed with cascara-wood club; towed to shore; cut up; flesh dried; hides never used; oil preserved for food and medicine same as bear.”<sup>27</sup> Sinkyone descendants have also stated that they understood the Sinkyone sometimes hunted and harpooned small whales from their boats. The manufacture and use of dugout redwood boats, as well as their specialized utilization for pelagic hunting, places the Sinkyone in a unique category with the other northwest Tribes who are part of the marine dugout canoe culture. The Sinkyone are at the very southern tip of the great northwest canoe culture.<sup>28</sup>

The Sinkyone held two important ceremonies that demonstrate their strong affinity with the Lower Klamath River cultures. The Sinkyone held a first salmon ceremony each year. Nomland states, “The Sinkyone observed first-salmon rites, a characteristic Northwestern trait, the southern extension of which meets the [central] California culture in Sinkyone territory, probably the farthest southern boundary of the rite.”<sup>29</sup>

Nomland also recorded details of a Sinkyone world renewal ceremony.<sup>30</sup> The fact that the Sinkyone held both a first salmon ceremony and a world renewal ceremony supports the belief that the Sinkyone culture was part of the northwestern world renewal culture centered in the Lower Klamath River region.

### **Tribal Concerns about the MLP AI**

The Council would be remiss in not addressing here the matter of Tribal concerns relative to the MLP AI. The State of California must understand that in requesting information from the Tribes about their ancestral territories, cultural uses, and relationships with coastal/marine resources, Tribal concerns about how the MLP AI will affect their traditional territories, uses, and relationships with coastal areas concurrently will be raised. The State cannot expect to receive Tribal use information without it being accompanied by the many serious concerns that go hand-in-hand with the potential threats to the Tribes’ traditional cultural ways posed by implementation of the MLP AI. In our view, it is critically important that the preferred alternative adopted by the Fish and Game Commission at the end of this process contain provisions to ensure that traditional non-commercial Tribal uses are not restricted for the present or at any future time. The historical and biological record shows that such uses do not threaten the health of marine populations in the North Coast Region. This section of the InterTribal Sinkyone Profile sets out the Council’s views regarding the best approaches for protecting Tribal uses, and it explains the rationale in support of that goal.

It is important to understand that the Council is not asking for exemption from current California regulatory authority for the Tribes’ traditional cultural uses; rather it acknowledges that the State of California requires Tribes to conform the nature and scope of their extractive activities to existing State regulations governing the take of marine resources in the Tribal use areas. The Department of Fish and Game currently monitors Tribal use in these areas, some of which may be located within existing Marine Protected Areas (MPAs). We are not advocating for take of

any marine species currently prohibited by State law, which limits take to the seasonal restrictions currently in place. Instead, our approach of ensuring continuation of Tribal access and use assures that existing levels of protection for these species remain in place, while at the same time steering clear of new and more restrictive measures by the Initiative that would cause harm to local Tribes' way of life. Although the science applicable to the MLPA Initiative is still being developed, the Council does not believe that the data justify departures from the status quo as to those areas currently being used by the Tribes, both in terms of existing MPAs and in terms of extractive activities permitted under current State regulations.

Consistent with its conservation and stewardship goals, the Council supports the establishment of MPAs in those areas where restrictions on extractive activities would not hinder the Tribes' traditional, non-commercial gathering, ceremonial, and other cultural practices. Conceptually, the establishment of MPAs is fully consistent with the mission of the Council to protect marine and terrestrial species from degradation and decline, and with the traditional stewardship practices of Tribes in the North Coast Region as regards their subsistence and cultural uses of marine and coastal areas. However, the development of MPAs must be premised on the doctrine that no inherent tension or contradiction shall be allowed to exist between biological conservation and the Tribes' traditional non-commercial gathering practices.

The Council's approach takes into account the undeniable historical fact that the degraded condition of many marine resources on the North Coast is due to decades of largely unregulated logging, mining, farming, over-fishing and over-harvesting by commercial interests, coastal development, pollution and other destructive activities of non-Indians. From the standpoint of equity, it would be unjust to deny Indian people the right to continue their traditional, non-commercial gathering of marine resources when they bear no responsibility for the conditions that have led to the need for additional extractive restrictions.

### ***Reasons for Protecting Tribal Uses in the Preferred Alternative***

The Council has identified a number of rationales that support its position that the final regulations adopted by the Fish and Game Commission must include provisions allowing the Tribes to continue their non-commercial traditional subsistence gathering and other cultural practices, as they have for millennia. The primary reasons why Tribal uses should be protected are as follows:

a. The State Is Obligated to Respect Traditional Tribal Uses Because They are Carried out Pursuant to Aboriginal Rights Protected by Federal Law

The Tribes that comprise the InterTribal Sinkyone Wilderness Council have unextinguished aboriginal rights to use the three-mile seaward zone that is the subject of the MLPA. Aboriginal rights arise from long and continuous use of land, water and resources. *See, e.g., United States v. Michigan*, 471 F. Supp. 192, 256 (W.D. Mich. 1979). The historical record and the oral history of the Council's member Tribes confirm that aboriginal and current Tribal use of land and waters in the North Coast Region satisfies this standard. The law is clear that aboriginal title to land includes hunting, fishing and gathering rights. *State v. Coffee*, 556 P.2d 1185, 1188 (Idaho 1976). But such rights may also exist independent of land title.

Aboriginal rights belong to both the Tribe as a whole, and to individual Tribal members who can show continuous use for a long time. *United States v. Dann*, 470 U.S. 39 (1985). Aboriginal use rights continue to be enforceable until they are voluntarily conveyed to the United States, abandoned or expressly extinguished by federal statute. *United States v. Santa Fe Pac. R.R. Co.*, 314 U.S. 339, 347 (1941).

The aboriginal rights at issue here have never been relinquished, abandoned or extinguished. None of the Tribes has voluntarily given up or abandoned those rights. There is no federal statute that explicitly or by implication extinguishes aboriginal rights to use any coastal and marine area subject to the MLPA. In California, there is no legal case that has established authority for the extinguishment of aboriginal rights under these circumstances. Although some have argued that the California Land Claims Act of 1851 extinguished aboriginal titles in the State because the Tribes did not submit their land claims within the five year period provided in that act, that statute is inapplicable here, because it covered only claims to so-called fee ownership derived from Mexican land grants.

Similarly, the Indian Claims Commission (ICC) did not extinguish Indian aboriginal use rights to the three-mile seaward zone at issue here. In 1964, Congress appropriated funds to pay the judgment of the Commission awarding the “Indians of California” compensation for the taking of their lands by the United States. *Thompson v. United States*, 13 Ind. Cl. Comm. 369 (1964); 78 Stat. 1033. In other cases, the payment of such compensation by the Indian Claims Commission has been held in certain circumstances to extinguish aboriginal rights. *Western Shoshone National Council v. Molini*, 951 F.2d 200 (9<sup>th</sup> Cir. 1991). Those cases do not apply here, because the California ICC decision was limited to lands within the State of California, and at the time of the taking by the United States, the three-mile seaward zone was not indisputably within the State’s boundaries. *United States v. California*, 381 U.S. 139 (1947) (At least until the enactment of the Swamp Lands Act of 1953, the State of California had no title to or property interest in the Pacific Ocean lying seaward of the ordinary low water mark on the coast of California extending seaward three nautical miles). Because the area covered by the ICC decision was not within the State’s boundaries, the decision cannot be interpreted to have extinguished any aboriginal rights to the three-mile seaward zone. *See People of the Village of Gambell v. Hodel*, 869 F.2d 1273 (1989) (Alaska Native Claims Settlement Act did not extinguish aboriginal title to the seabed because the area in question was not within the boundaries of the State of Alaska).

California and its agencies are obligated to avoid interference with the exercise of aboriginal rights. Such rights are superior to the rights of third parties, including states. *See Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 667-669 (1974). As a result, the MLPA Initiative must devise its system of Marine Protection Areas to avoid Tribal traditional use areas where aboriginal rights are exercised, or, in the alternative, include provisions in the final set of regulations which acknowledge that uses pursuant to aboriginal rights may continue as before.

b. The MLPA Initiative Must Acknowledge and Protect Traditional Tribal Uses in Deference to the Sovereignty of Indian Tribes, who Have Governmental Authority over Their Members

The Marine Life Protection Act should be implemented in a manner that respects the inherent sovereignty of California Indian Tribes. The Tribes' right to self-government predates the formation of the United States and the State of California. One of the earliest decisions of the United States Supreme Court characterized Indian Tribes as "distinct, independent political communities, retaining their original natural rights, as the undisputed possessors of the soil, from time immemorial . . . [W]ithin their boundary, [Tribes] possessed rights with which no state could interfere." *Worcester v. Georgia*, 31 U.S. 515, 559-560 (1832) (ruling that the laws of Georgia can have no force within Indian country). This is the law of the United States today. *United States v. Enas*, 255 F.3d 662, 666 (9<sup>th</sup> Cir. 2001) (Indian Tribes are "autonomous sovereigns" and their inherent authority comprises the power to control their internal relations and to preserve their "unique customs and social order."). The State of California and its agencies are obligated under principles of federal law to respect Tribal sovereignty, and state agencies in particular are required to avoid interference with the exercise of Tribal sovereign rights. *Williams v. Lee*, 358 U.S. 217 (1959) (federal law prohibits states from infringing on the right of Indians to govern themselves).

Where the sovereign powers of Tribes are at their strongest, the authority of the State is at its weakest. Here, the balancing of interests between Tribal and State authority strongly suggests that State agencies should defer to the exercise of Tribal sovereign rights. An unbroken line of federal judicial decisions confirms that Tribes have sovereign authority over their members, and that this authority extends beyond the boundaries of reservations. *See, e.g., United States v. Mazurie*, 419 U.S. 544, 557 (1975) (Indian tribes retain attributes of sovereignty over both their members and their territory). In other words, federal law recognizes the authority of Tribal governments over their members regardless of where they are located. *White Mountain Apache Tribe v. Bracker*, 448 U.S. 136 (1980) (the right of Indian tribes to make their own laws applicable to their members is an independent barrier to the exercise of state jurisdiction). Under these circumstances, the Tribal sovereignty doctrine does not entirely preempt the State's authority in the three mile zone. Rather, the fact that Tribal members carry out traditional non-commercial fishing, gathering, and other cultural activities there under the auspices of their Tribal governments and pursuant to Tribal laws strongly favors a State policy which avoids interference with such uses.

c. Denial of Traditional Tribal Uses Will Harm Indian Culture By Depriving Tribal Members of the Right to Engage in Activities that are Part of Their Indian Identity

Non-commercial traditional fishing and gathering by Indian people in the areas targeted for potential Marine Protection Areas are not carried out solely to meet subsistence needs, although that is an important aspect of these activities. Tribal use of these areas has an important cultural component that distinguishes such uses from that of other stakeholder groups. If Tribal members are denied the use of traditional ceremonial and gathering areas along the coast, an essential part of their identity will be lost forever. The resources on which Tribes rely for their cultural activities are not fungible. In some cases, these areas may be the only places certain resources are available. Traditional Tribal laws require use of particular resources for specific purposes. Nor may the locations of such cultural activities be changed without destroying the meaning of the ceremony or event. Some of the ceremonies are tied to stories

and events that occurred in only that place. That is why it is often said that Tribal culture is place-based. Overall, closure of traditional use areas will irreparably harm Indian culture in the North Coast Region. Perhaps the best way to explain the importance of these areas is to say that their closure would be viewed as an act of forced assimilation, as the destruction of something that makes the participants uniquely Indian.

d. Denial of Traditional Tribal Uses Will Cause Adverse Health Effects for Tribal Members Who Rely on Marine Resources for Food and Medicine

Many Tribal members rely for food and medicine on the seaweeds, shellfish and other marine resources gathered from traditional use areas within the North Coast Region. ***It cannot be over-emphasized that these traditional resources are gathered for non-commercial use, and are necessary for the health and wellbeing of Tribal members.*** Closure of these areas or restricted access to them as part of newly established MPAs will result in severe health repercussions. Traditional foods and medicines are essential parts of the diet and way of life of Tribal members. In light of the fact that Tribal communities are now faced more than ever with high rates of diabetes, hypertension, obesity, and other health problems, these traditional foods and medicines are an increasingly important part of the path to health and recovery for the Tribes. Traditional marine foods and medicines in many cases may be the only element of Indian peoples' diets that keeps these disease rates from growing even higher.

e. Protecting Traditional Tribal Uses Has, and Would Continue to Have, Minimal Impact on the Condition of Marine Resources

The Tribes have always maintained traditional systems of management that govern gathering activities to ensure that marine/coastal species remain healthy and robust. But for the invasion of non-Indians, these systems were infinitely more effective at conserving marine resources than any system of reserves adopted by the State.

Although impacts from traditional Tribal non-commercial use may be difficult to measure and quantify, the comparatively small number of people exercising aboriginal use rights and the management systems Tribal people have followed for generations will ensure that the impacts will be minimal. Tribal families continue to maintain intricate and sophisticated methods of stewardship that prescribe when and how they may use marine resources. These systems address species, amounts that can be taken, the methods of gathering, time of year, time of day, specific locations, and the current health and density of the species. Young people are selected by elders who teach them methods of gathering, and the prayers and songs that go with these gathering activities. Typically, many areas are traditionally harvested in rotation, sometimes being left alone for several seasons—or even years—to increase the health and abundance of their plant and animal habitats and populations.

A good example is the methodology for the non-commercial gathering of seaweeds. Traditional gatherers always remove the portion of the seaweeds that are located above their root systems—never scraping away the seaweeds' roots from the rocks, as many commercial harvesters do. Scraping the seaweeds from the rocks kills the plant, and it may take many years for it to become reestablished. For years, Tribal members have decried the over-harvesting by

commercial seaweed harvesters who have ruined many seaweed areas that Tribal families have taken care of in the correct way. And yet, the Department of Fish and Game has done little, if anything, to halt or otherwise remedy these appalling practices.

There are social strictures and disciplines that are often applied to Tribal members who gather too much of one thing at a time, or who use traditional gathering as a guise for engaging in commercial endeavors. This form of Tribal self-regulation helps assure that no particular species is harvested beyond the point of sustainability. This ancient type of scientific knowledge is at least as valid as so-called western science's developing approaches to managing marine resources responsibly. In fact, the traditional ecological knowledge utilized by the Tribes' in their stewardship and use of marine resources provides tremendous benefits to the health, abundance, and biological diversity of these species.

If the role Native people as stewards of the marine resources is denied, the repercussions to marine ecosystems could be drastic and far-reaching. This is especially true given the changes within the marine ecosystem that are occurring, and will only increase, as a result of global warming. Indigenous peoples often are the first to note changes in the migration patterns, populations, and health of marine and other species. The reason for this is that indigenous peoples do not interact with the ocean as merely commercial or recreational uses or, for that matter, as scientists. They interact with the ocean because they are taught since infancy that as Indian people they must respect and rely on the ocean for life.

An analogy from forestry management may be useful to consider here. There are now widely-accepted benefits from prescribed management burns that help to thin forests and keep their ecology in balance. This management technique originated with Tribal peoples. Marine resources that are carefully and sustainably gathered by Tribal peoples help keep these plants and animal communities healthy and in balance. If they are not managed in this way, there is real risk that they will in many cases grow too dense and die out from competition with each other.

The system of interaction between marine resources and Tribal people is informed by traditional Tribal cosmology and systems of spiritual belief. For these resources to be available for future generations of Tribal peoples, it is understood that they have to be taken care of in the right way. People are taught that they should only take what they and their families need—not for commercial gain—and that if they use this restrained approach to respecting and utilizing the resources, then the resources will always be there to provide health and well being for their people. This principle too guards against overuse and degradation of the resource.

This section has outlined a number of excellent reasons for the State of California to avail itself of the management acumen of the Tribes by entering into co-management agreements that would protect Tribal cultural uses while simultaneously conserving important marine resources. Co-management is a viable approach that can be utilized for creating formal agreements between any North Coast Tribe and the Department of fish and Game, whereby the Tribe would be charged with traditional cultural management concomitant with non-commercial use of marine resources within its Tribal territory. The Council is at this time developing a basic outline for a co-management agreement that could be entered into between a Tribe and the

Department of Fish and Game. Co-management agreements between Tribes and state resource agencies are an appropriate means by which to incorporate the Tribes' traditional ecological knowledge into formalized management systems. There exist examples of successful agreements for co-management of marine areas between indigenous peoples and government agencies.<sup>31</sup> If any North Coast Tribe wishes to discuss co-management concepts with the MLPA Initiative and/or with the Department of Fish and Game, we recommend that separate meetings be scheduled to explore this idea.

Additionally, the Council is now developing a definition for the term "Tribal consultation" relative to the MLPAI, and how this concept should be applied to Tribal participation, the development of MPAs, the guidance on Tribal use policy, and other key elements of the MLPAI process.

f. Additional Restrictions on Traditional Tribal Uses Would Interfere with Tribal Spiritual and Religious Practices

There are areas within the North Coast Region where Indian religious ceremonies and other spiritual practices are regularly held. The Council is concerned that closure of these areas under an MPA regime or burdensome restrictions on use will destroy or interfere with these spiritual-religious practices. The obligation to respect Tribal spiritual-religious practices hardly needs supporting legal authority, but such support can be found in Article I, section 4 of the California Constitution, which guarantees the "[f]ree exercise and enjoyment of religion, and in the First Amendment of the U.S. Constitution, which likewise guarantees the free exercise of religion, as made applicable to state governments under the Due Process Clause of the Fourteenth Amendment. Additional authority is found in the Religious Freedom Restoration Act, which prohibits the federal and state governments from "substantially burden[ing] a person's exercise of religion even if the burden results from a rule of general applicability . . . ." 42 U.S.C. § 2000bb-1(a). Such burdens are justified only by a "compelling governmental interest" and then only if the government action chosen is the "least restrictive means" of accomplishing the compelling interest. 42 U.S.C. § 2000bb-1(b). No such compelling governmental interest can be identified here, especially because Tribal traditional cultural uses are entirely consistent with the goal of the Marine Life Protection Act to protect and preserve marine resources along the coast.

g. Protecting Traditional Tribal Uses Would Bring the State's Policy in Line with Federal Policy, Which Allows Indian Take of Threatened and Endangered Species for Traditional Cultural Purposes Pursuant to Approved Conservation Plans

The Federal Government has acknowledged that sound policy requires acknowledging Tribal rights to gather species for cultural uses. In fact, the regulations implementing the Endangered Species Act, the most restrictive federal statute in this area, allow Indian Tribes to gather species protected by the Act if such take is carried out pursuant to approved conservation plans. The National Marine Fisheries Service (NMFS) has adopted a rule which exempts the taking of listed salmon and steelhead from the prohibitions of the Act where the activity is undertaken by "a tribe, tribal member, tribal permittee, tribal employee or tribal agent" in

compliance with a Tribal resource management plan approved by the Secretary of Commerce. 50 C.F.R. Part 223 (2000). NMFS's action is based on recognition of the fact that Tribes are responsible stewards and managers of marine and anadromous species. Acknowledging Tribal traditional uses in the MPAs is fully consistent with this federal policy on conservation of natural resources and endangered species.

h. Restricting or Prohibiting Traditional Tribal Cultural Uses Creates Unjustifiable Socioeconomic Impacts in Violation of the Marine Life Protection Act

The Marine Life Protection Act requires the Initiative to consider socioeconomic impacts in implementing the Act. Section 2853 establishes the goal of sustaining, conserving and protecting marine life populations, including those of economic value. The Department of Fish and Game is obligated to consider "relevant information from local communities" in carrying out the requirement to evaluate the "[s]ocioeconomic and environmental impacts of various alternatives." Section 2855(c)(2). The Department has indicated it will "undertake an analysis of the maximum anticipated economic impact of the preferred alternative it proposes to the California Fish and Game Commission." Memorandum from MLPA Initiative Staff to MLPA Blue Ribbon Task Force, January 13, 2006.

To the sure, the marine resources along the coast on which Tribal members rely have value far beyond the economic sphere, and denying access to such resources will cause incalculable damage to Tribal cultures. But denial of access will also have severe economic impacts, in that many Indian people rely on these resources for food for themselves and their families. The Marine Life Protection Act requires the Initiative to identify, evaluate and take into account the "socioeconomic" impacts on Tribes and their members. The impacts to Tribes should be evaluated separately from those to other communities along the coast. We note that in the Central Coast Region, it appears that no Tribes were interviewed with regard to socioeconomic impacts. Memorandum from MLPA Initiative Staff to MLPA Blue Ribbon Task Force, January 13, 2006 (noting interviews with commercial fishermen, divers, kayakers, and recreational fishers, and literature review of the economic value of whale watching, scuba diving and recreational fishing). We hope the same mistake will not be made here.

**Conclusion**

In the preceding sections of this Profile, the Council has provided detailed information about our organization and its work to protect and restore the Sinkyone Wilderness area and other areas of ancestral Sinkyone Tribal territory. We have defined the geographic area of the Sinkyone territory and have provided information about the historic and contemporary cultural uses of Tribal members, especially those pertaining to the coastal and marine areas of the historic Sinkyone, Coast Yuki, and Pomo Tribal Territories. This information clearly demonstrates the cultural significance of coastal and marine areas for the member Tribes of the InterTribal Sinkyone Wilderness Council. Further, we tied these elements of our Profile to the many areas of tribal concern raised by the MLP AI and its implementation.

The case for recognizing and protecting the Tribes' traditional uses within their respective ancestral and aboriginal territories is legally and factually very strong. The Tribes' goal of ensuring that their cultural activities are protected against interference is consistent with the overriding purpose of the Marine Life Protection Act. Traditional Tribal uses are supported by aboriginal rights, by Tribal sovereignty, by the right to maintain traditional cultures, by the minimal impacts such uses would cause, by the need to sustain healthy Tribal communities, by the right to practice Native American religion without State interference, and by the severe socioeconomic impacts that would occur if such uses were denied. MPAs must be drawn to avoid entirely the Tribes' traditional cultural use areas. In the alternative, the regulations implementing MPAs should include provisions acknowledging the right of the Tribes to continue such uses. Additionally, co-management is a viable approach that should be utilized for creating formal agreements between any North Coast Tribe and the Department of Fish and Game, whereby the Tribe would be charged with traditional cultural management concomitant with non-commercial use of marine resources within its Tribal territory.

We believe that by sharing information and engaging in discussions with the MLPAI and Fish and Game, the Tribes and the State will be able to arrive at creative solutions for the protection of the Tribes' cultural ways and the conservation of the marine resources that are important to all of us.

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### **Endnotes**

<sup>1</sup> Board of Supervisors, County of Mendocino. *Resolution No. 94-213, Resolution of the Mendocino County Board of Supervisors in Support of the InterTribal Sinkyone Wilderness Council (ITSWC) as the Preferred Buyer of the Sinkyone Upland Parcel Adjacent to the Sinkyone Wilderness State Park.* December 6, 1994. Ukiah, CA.

<sup>2</sup> Rosales, Hawk. *The InterTribal Sinkyone Wilderness Council—Ten Tribes Reclaiming, Stewarding, and Restoring Ancestral Lands.* April 2010. *International Journal of Wilderness.* Boulder, CO.

<sup>3</sup> California Department of Parks and Recreation, Planning Division. *Response to Comments, Preliminary General Plan/Final Environmental Impact Report, Sinkyone Wilderness State*

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<sup>4</sup> California Department of Parks and Recreation, Planning Division. *California State Park Partners, Natural Resource Partners*. Sacramento, CA. January 2007, p. 69. [http://www.parks.ca.gov/?page\\_id=24590](http://www.parks.ca.gov/?page_id=24590)

<sup>5</sup> Tress Foundation website (<http://www.treesfoundation.org/>), last visited on 3/31/10. Article about Dewitt Award: <http://www.treesfoundation.org/affiliates/update-104>.

<sup>6</sup> InterTribal Sinkyone Wilderness Council. 2006. *Final Project Report to State Water Resources Control Board—Sinkyone Watershed Rehabilitation-Tribal Operators Training Program*. Ukiah, CA.

<sup>7</sup> Rosales, Hawk. *The InterTribal Sinkyone Wilderness Council—Ten Tribes Reclaiming, Stewarding, and Restoring Ancestral Lands*.

<sup>8</sup> Nomland, Gladys A. *Sinkyone Notes*, p. 166.

<sup>9</sup> Alley, Bowen & Co., *History of Mendocino County California*.

<sup>10</sup> Rosales, Hawk. *The InterTribal Sinkyone Wilderness Council—Ten Tribes Reclaiming, Stewarding, and Restoring Ancestral Lands*.

<sup>11</sup> Goddard, George H. *Britton & Rey's Map of the State of California*. 1857.

<sup>12</sup> Raphael, Ray and Freeman House. 1997. *Humboldt History, Volume 1: Two Peoples, One Place*.

<sup>13</sup> Goddard, Pliny E. *Sinkyone Field Notes*.

<sup>14</sup> Nomland, Gladys A. *Sinkyone Notes*, p. 149.

<sup>15</sup> Powers, Stephen. *Tribes of California*, pp. 109-110.

<sup>16</sup> Gifford, Edward W. *The Coast Yuki*; p. 304.

<sup>17</sup> *Ibid.*, p. 304.

<sup>18</sup> Gifford, Edward W. *The Coast Yuki*, p. 304.

<sup>19</sup> *Ibid.*, p. 299.

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- <sup>20</sup> USDA Agricultural Research Service. SR (standard reference) 22-page reports. *Food Groups #15. Finfish and Shellfish Products*. SR 22 fg 15. Health & Fitness. Food Database “Nutrient/Nutritional Facts/Summary.”
- <sup>21</sup> Stevenson, Atta. *Examples of Coastal Species of Cultural Importance*.
- <sup>22</sup> Baumhoff, Martin A. *California Athabascan Groups*, p. 223; Baumhoff, Martin A. *Ecological Determinants of Aboriginal California Populations*.
- <sup>23</sup> Merriam, C. Hart. *Papers, Volume 1: Papers Relating to Work with California Indians. Lolahnkok Notes and Tsen-nah'-ken-nes Notes*, p. 190; Baumhoff, Martin A. *California Athabascan Groups*, p. 194.
- <sup>24</sup> Elsasser, Albert B. *Mattole, Nongatl, Sinkyone, Lassik, and Wailaki*, p. 201.
- <sup>25</sup> Driver, Harold E. *Culture Element Distributions X: Northwest California*, p. 322.
- <sup>26</sup> Nomland, Gladys A. *Sinkyone Notes*, p. 154.
- <sup>27</sup> *Ibid.*, p. 153.
- <sup>28</sup> Kroeber, Alfred L. *Handbook of the Indians of California*, p. 147.
- <sup>29</sup> Nomland, Gladys A. *Sinkyone Notes*, p. 153-154.
- <sup>30</sup> *Ibid.*, p. 167.
- <sup>31</sup> Ministry of Fisheries. *Te Tautiaki i nga tini a Tangoroa // Customary Fishing Information Manual*. 2008. New Zealand.

*APPENDICES*

**INTERTRIBAL SINKYONE PROFILE**

**By InterTribal Sinkyone Wilderness Council**

**Prepared for:**

**The California Tribes and Tribal Communities Appendix  
North Coast Regional Profile  
Marine Life Protection Act Initiative**

*April 1, 2010*

## Appendix A

### State Park Beaches and Other Marine Areas of Cultural Significance to

#### Tribes of Mendocino and Lake Counties

##### *Beaches listed from South to North*

1. Alder Creek beach
2. Elk (Greenwood Creek/Cuffey's Cove) beach
3. Navarro River beach
4. Albion River beach
5. Van Damme (Little River) beach
6. Big River beach
7. Russian Gulch beach
8. Jug Handle beach
9. Pudding Creek beach
10. Cleone beach
11. MacKerricher Beach
12. Ten Mile River beach
13. Chadbourne Gulch beach
14. Pete's Beach (Westport-Union Landing)
15. Wages Creek shoreline
16. DeHaven beach (Westport-Union Landing)
17. Little Howard Cr. & Big Howard Cr. (Westport-Union Landing)
18. Abalone Point

Appendix A—Page 2

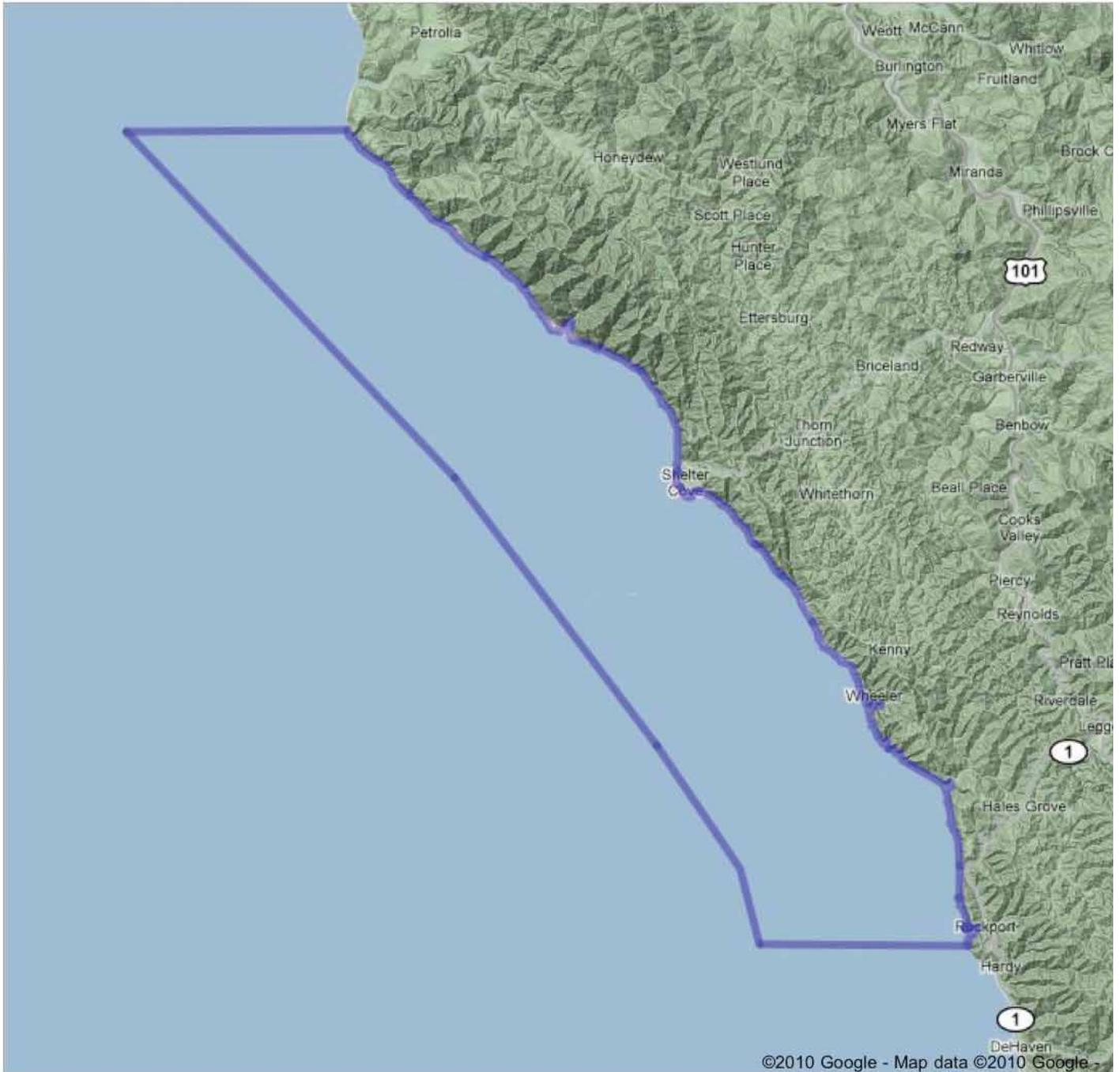
19. Juan Creek beach
20. Hardy Creek beach
21. Cottoneva Creek beach (Rockport Bay)
22. Usal Creek beach
23. Anderson Gulch beach
24. Little Jackass Creek beach
25. Jackass Creek (Wolf Cr./Wheeler) beach
26. Bear Harbor beach
27. Needle Rock beach
28. Jones Beach
29. Shelter Cove
30. Black Sands Beach
31. Big Flat Creek (mouth)
32. Spanish Flat
33. Cooskie Creek (mouth)
34. Four Mile Creek (mouth)
35. Punta Gorda

**In order to protect the confidentiality and privacy of cultural knowledge, the above list includes only the names of beaches and other coastal areas, and does not provide any information about the actual cultural uses or significance for any specific location. The above list is only a partial sampling of the marine/coastal places of cultural significance for the Tribes of Mendocino and Lake Counties.**

To see all the details that are visible on the screen, use the "Print" link next to the map

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### Appendix B-Sinkyone Tribal Territory-Coastal/Marine Map

Coastline and Marine Waters of the Historic Sinkyone Tribal Territory

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Created on Mar 30 - Updated < 1 minute ago

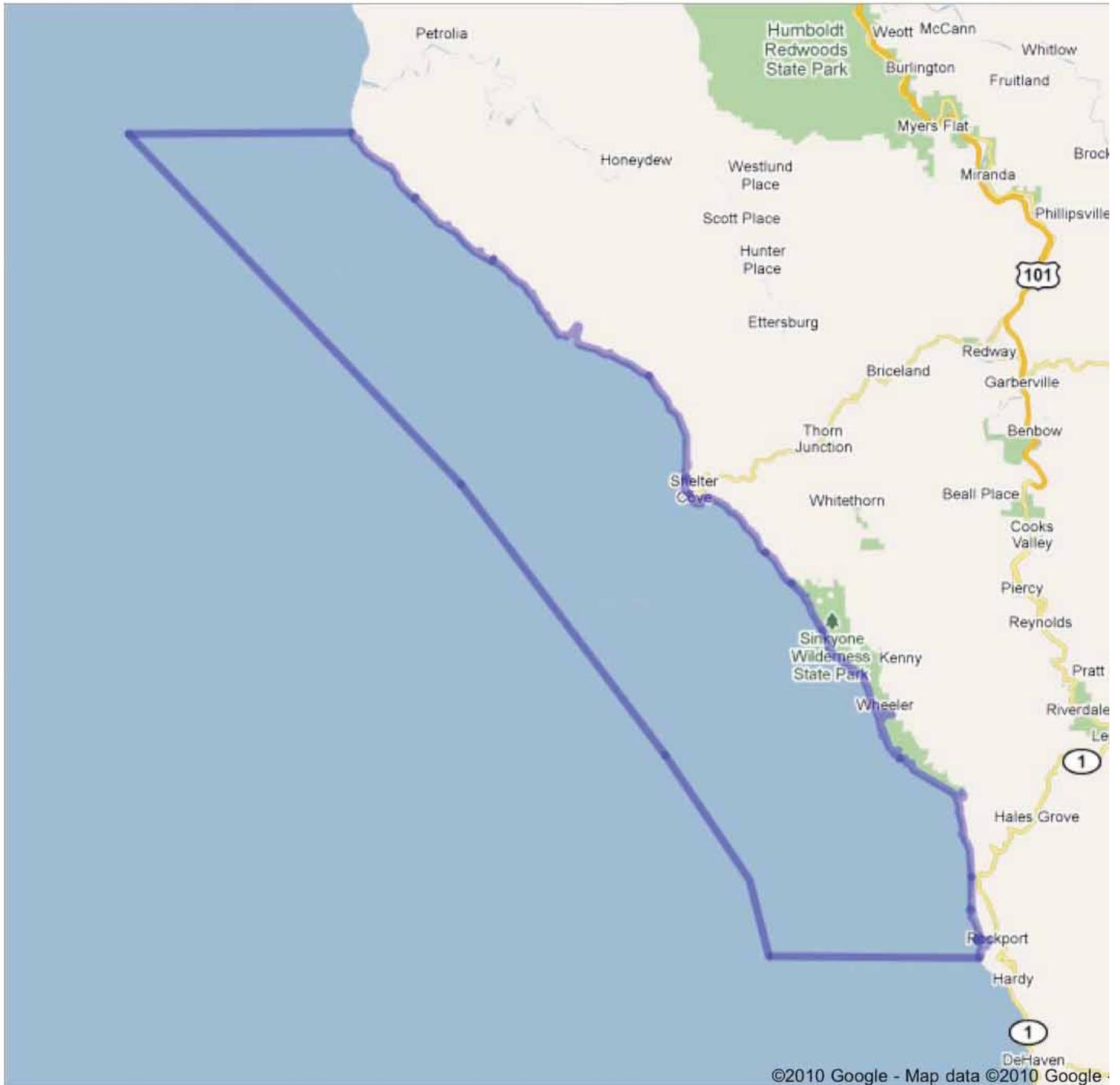
By [Hawk](#)

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### Appendix B-Sinkyone Tribal Territory-Coastal/Marine Map

Coastline and Marine Waters of the Historic Sinkyone Tribal Territory

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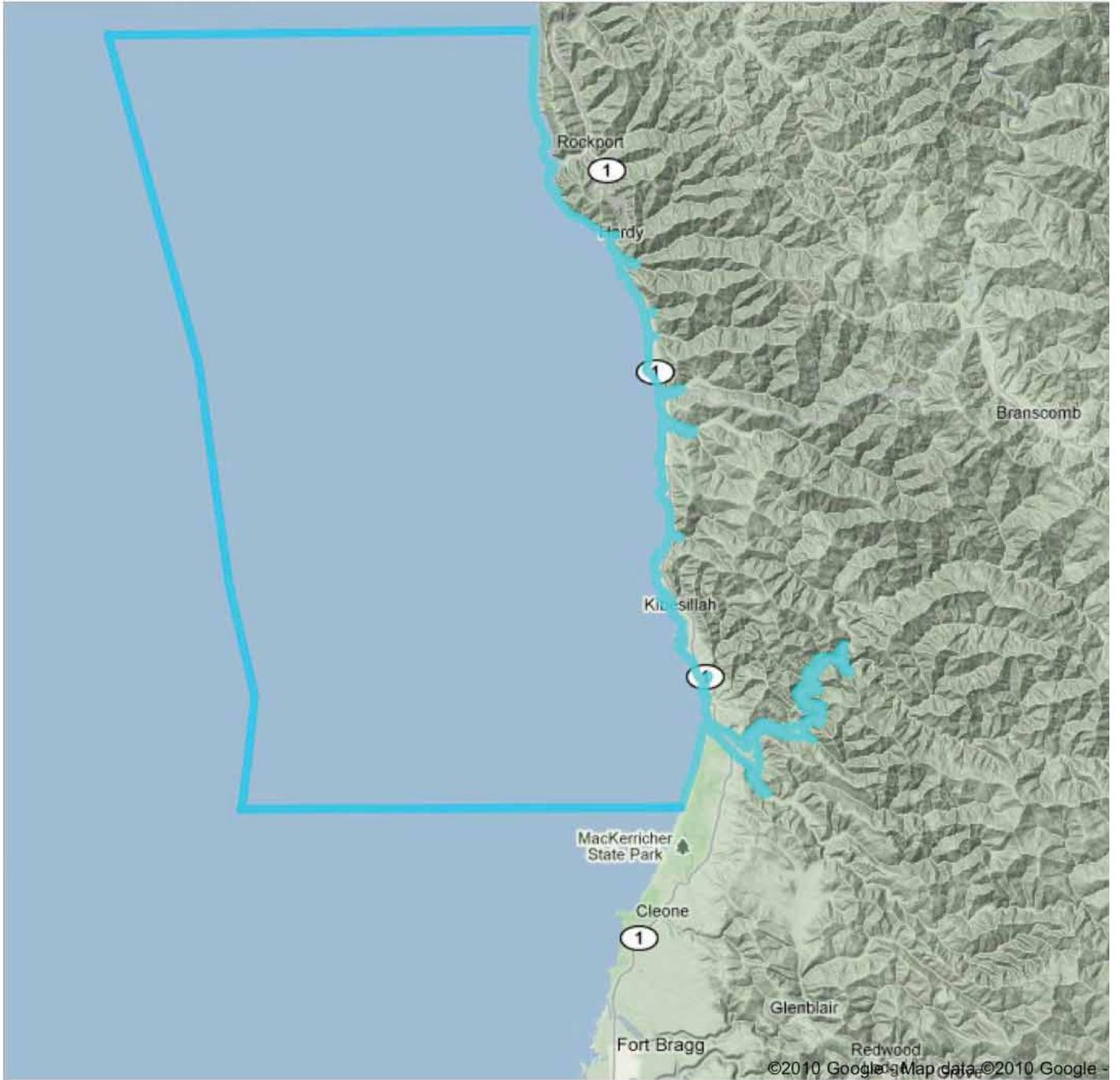
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**Appendix B-Coast Yuki Tribal Territory-Coastal/Marine Map**

Coastline and Marine Waters of the Historic Coast Yuki Tribal Territory

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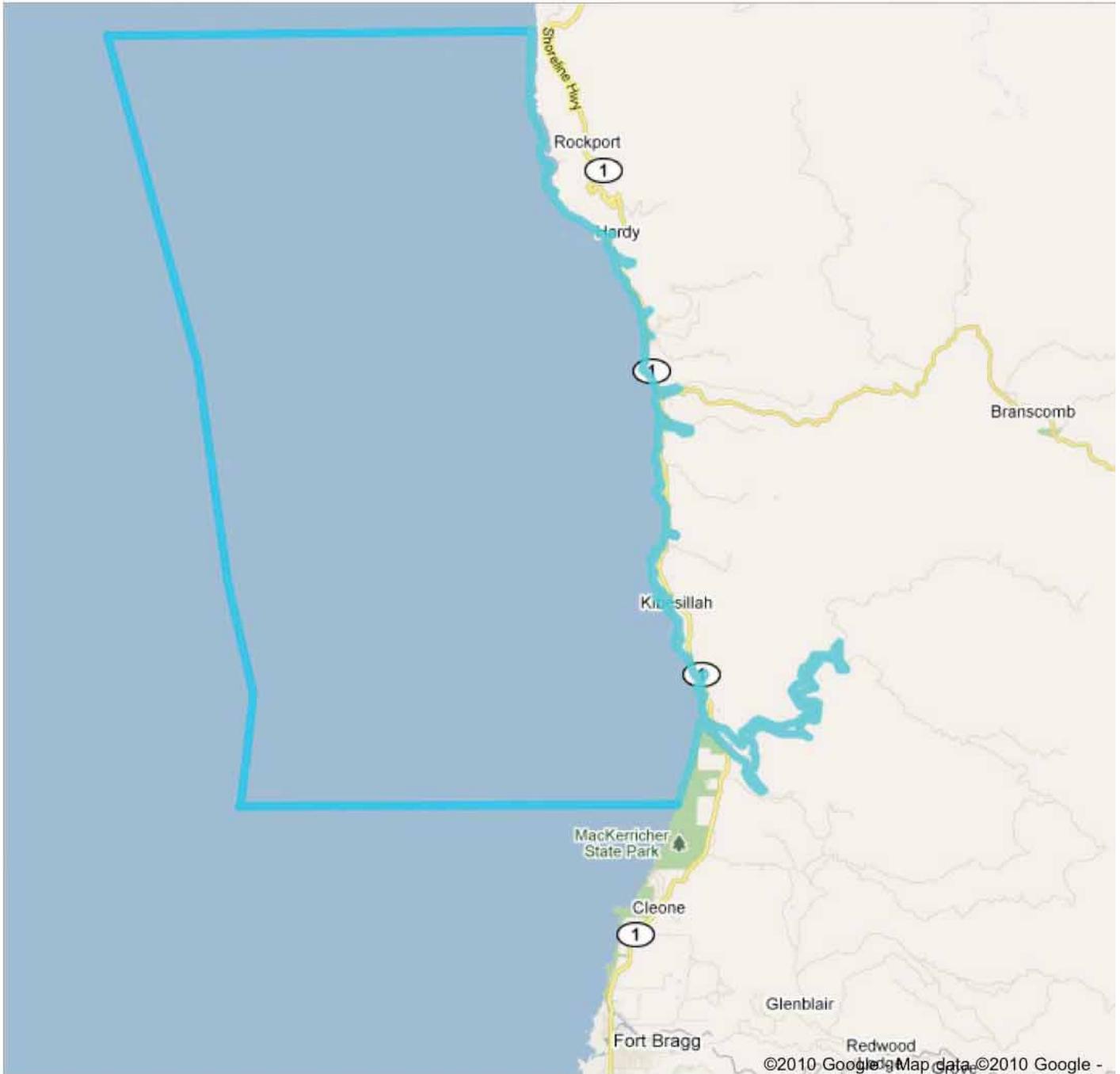
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### Appendix B-Coast Yuki Tribal Territory-Coastal/Marine Map

Coastline and Marine Waters of the Historic Coast Yuki Tribal Territory

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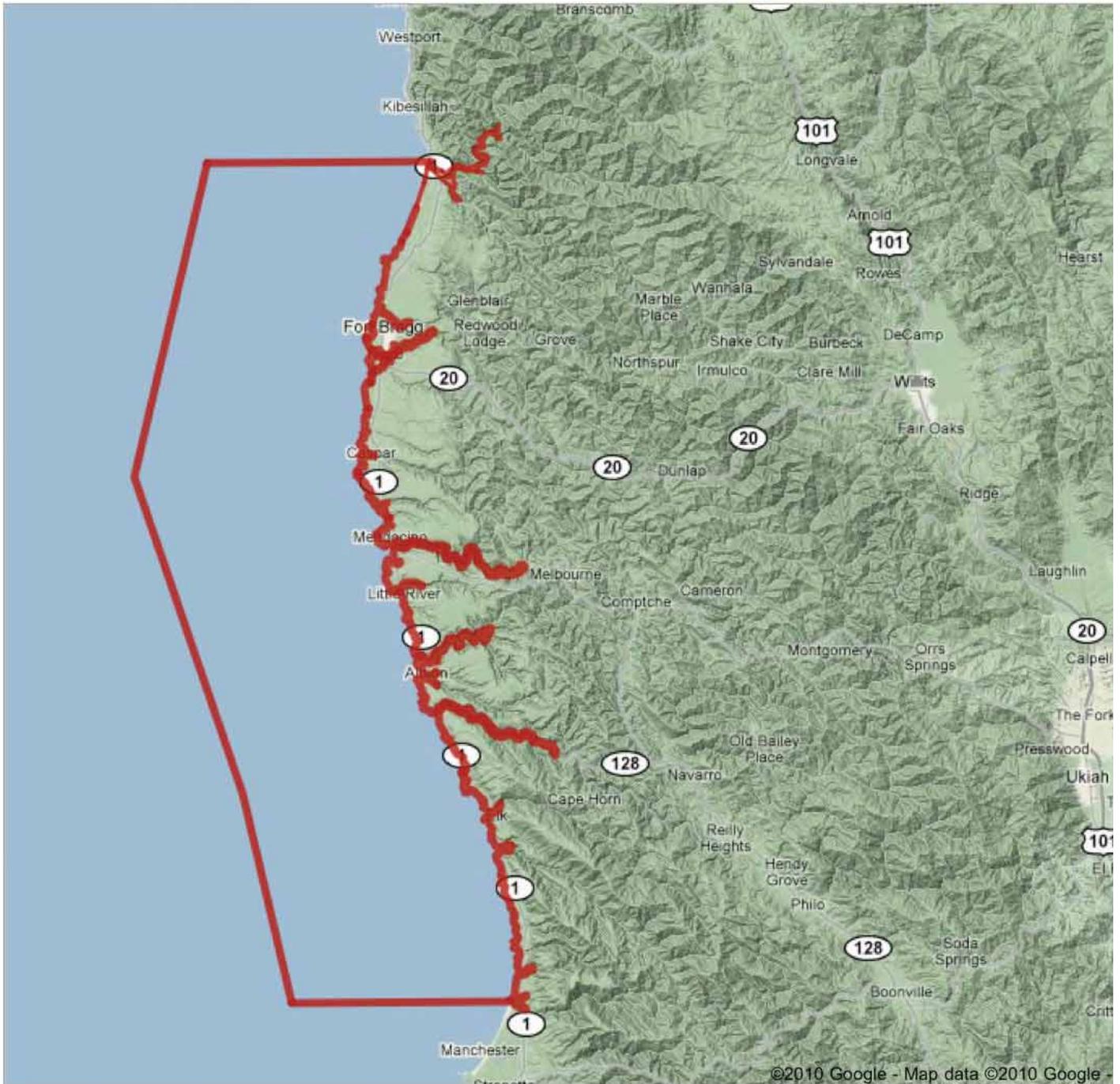
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### Appendix B-Pomo Tribal Territory-Coastal/Marine Map

Coastline and Marine Waters of the Historic Pomo Tribal Territory (that lie within the North Coast Region of the MLPAI)

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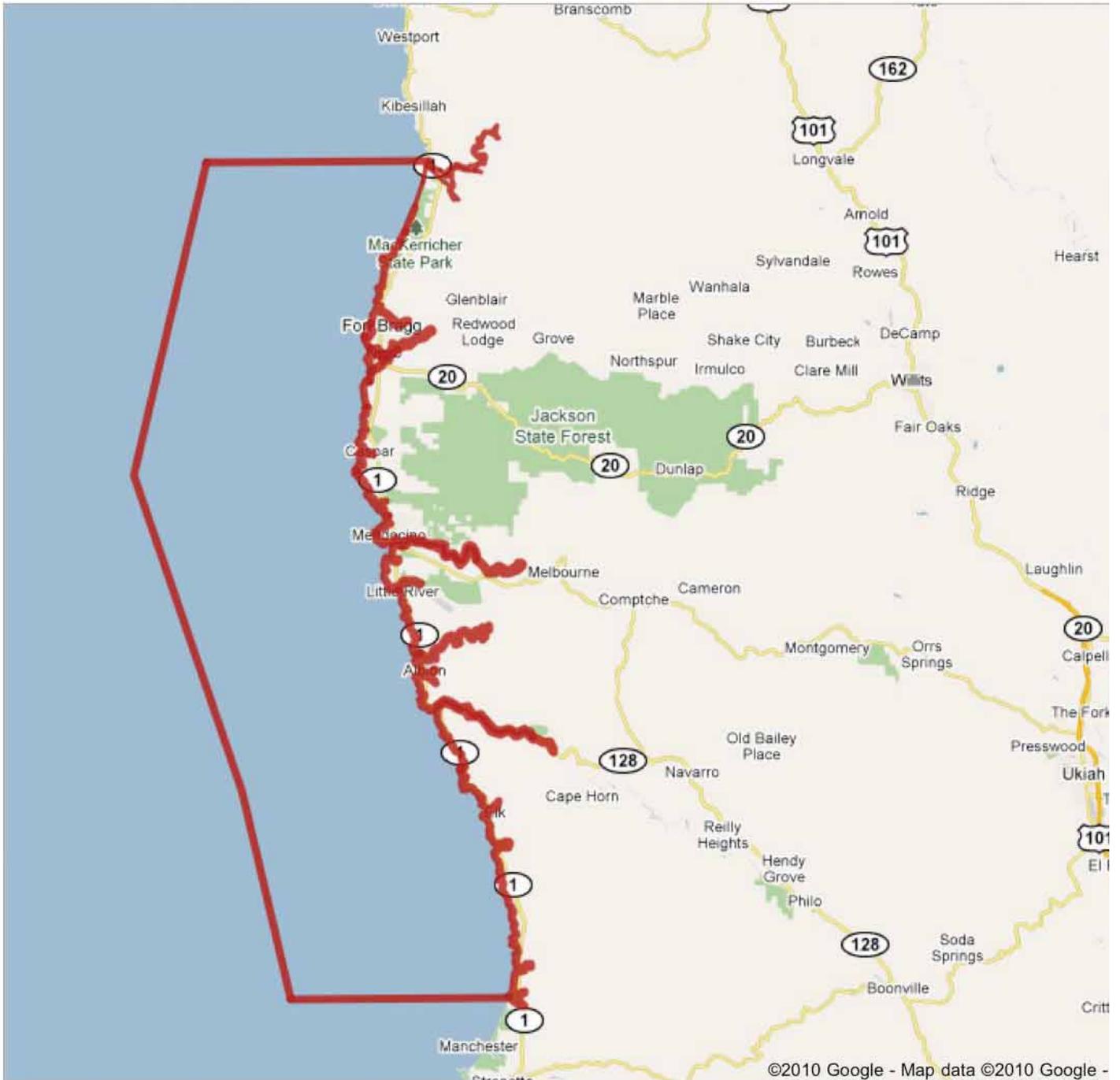
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### Appendix B-Pomo Tribal Territory-Coastal/Marine Map

Coastline and Marine Waters of the Historic Pomo Tribal Territory (that lie within the North Coast Region of the MLPAI)

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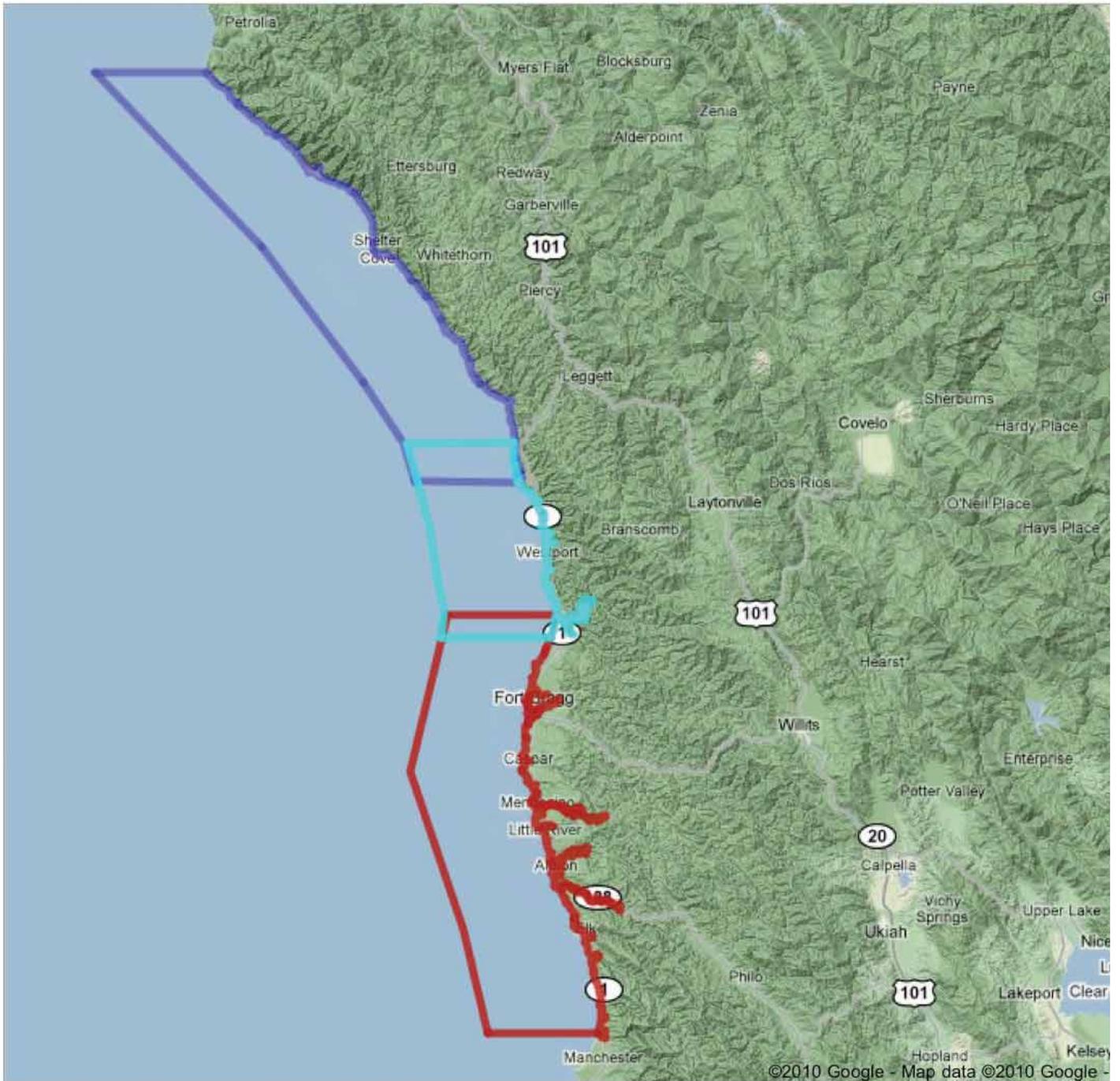
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### Appendix B-Coastal/Marine Use Areas: Mendo & Lake Co. Tribes/Tribal Communities

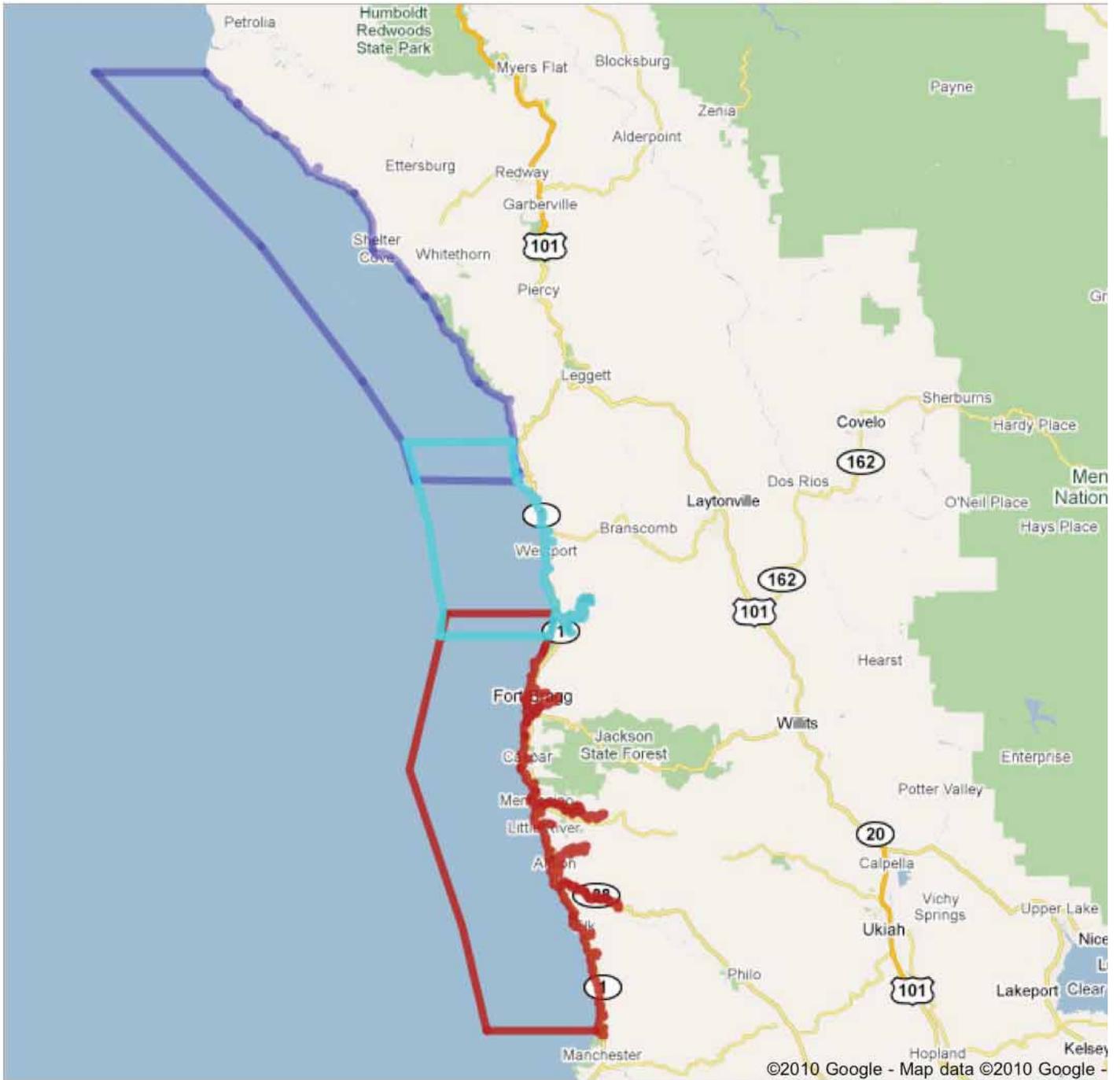
Coastal/Marine Use Areas of the Tribes and Tribal Communities of Mendocino and Lake Counties. Dark Blue indicates Historic Sinkiyone Coastal Territory; Light Blue indicates Historic Coast Yuki Coastal Territory; and Red indicates Historic Pomo Coastal Territory. Please note that Historic Pomo Coastal Territory extends far beyond the southernmost points shown. These southernmost points delineate the approximate location of the southern end of the MLPAI's North Coast Region.

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### Appendix B-Coastal/Marine Use Areas: Mendo & Lake Co. Tribes/Tribal Communities

Coastal/Marine Use Areas of the Tribes and Tribal Communities of Mendocino and Lake Counties. Dark Blue indicates Historic Sinkiyone Coastal Territory; Light Blue indicates Historic Coast Yuki Coastal Territory; and Red indicates Historic Pomo Coastal Territory. Please note that Historic Pomo Coastal Territory extends far beyond the southernmost points shown. These southernmost points delineate the approximate location of the southern end of the MLPAI's North Coast Region.

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**Appendix C**  
**Species List of**  
**Traditional Cultural Marine Plants and Animals**  
**Used by Tribes of Mendocino and Lake Counties**  
**For Food, Medicine, Ceremonial and other Cultural Purposes**

| <b>Common Name</b>             | <b>Scientific Name</b>            |
|--------------------------------|-----------------------------------|
| Seaweed (var. spp.)            | <i>Ulva lactuca</i>               |
| Bull kelp                      | <i>Nereocystis luetkearza</i>     |
| Giant kelp                     | <i>Macrocystes pyrifera</i>       |
| Sea salt                       |                                   |
| Sea anemone (var. spp.)        | <i>Anthopleura</i>                |
| Giant green anemone            | <i>Anthopleura xanthogrammica</i> |
| Sand flea                      | <i>Trekorchestia</i>              |
| Acorn barnacle                 | <i>Balanus glandula</i>           |
| Goose barnacle                 | <i>Potlicipes polymerus</i>       |
| Stalked barnacle               | <i>Pollicipes polymerus</i>       |
| Bay ghost shrimp               | <i>Neotrypaea californiensis</i>  |
| Purple shore crab              | <i>Hemigrapsus nudus</i>          |
| Limpet                         | <i>Lottia gigantea</i>            |
| Red abalone                    | <i>Haliotis rufescens</i>         |
| Black abalone                  | <i>Haliotis cracherodii</i>       |
| Black turban snail             | <i>Tegula funebris</i>            |
| Brown turban snail             | <i>Tegula brunnea</i>             |
| Periwinkle                     | <i>Littorina planaxis</i>         |
| Checkered periwinkle           | <i>Littorina scutulata</i>        |
| Woody chiton                   | <i>Mopalia lignosa</i>            |
| Gumboot chiton (china Slipper) | <i>Cryptochiton stefleri</i>      |
| Mossy chiton                   | <i>Mopalia ciliata</i>            |
| Shield limpet                  | <i>Collisella pelta</i>           |
| Slipper limpet                 | <i>Crepidula adunca</i>           |
| Sea mussel                     | <i>Mytilus californianus</i>      |
| Rock cockle                    | <i>Paphia staminea</i>            |
| Rock scallop                   | <i>Hinnites giganteus</i>         |
| Rock oyster                    | <i>Monia macroschisma</i>         |

**Appendix C—Page 2**

|  |  |
|--|--|
| Jackknife clam   | <i>Tagelus californianus</i>               |
| Clam (marine) (var. spp.)  |  |
| Freshwater clam (estuarine) (var. spp.)                              |  |
| Pacific red octopus  | <i>Octopus reubescens</i>                  |
| Two spot octopus   | <i>Octopus bimaculatus</i>                 |
| Giant Pacific octopus  | <i>Octopus dofleini</i>                    |
| Squid  |  |
| Purple urchin  | <i>Strongylocentrotus purpuratus</i>       |
| Red urchin   | <i>Strongylocentrotus franciscanus</i>     |
| Cabazon  | <i>Scorpaenichthys marmoratus</i>          |
| Sea trout  | <i>Chiradae</i>                            |
| Rockfish (var. spp.)   | <i>Sebastes</i>                            |
| Stickleback fish   | <i>Gasterosteus</i>                        |
| Sculpin (var. spp.)  | <i>Cottus/Leptocottus</i>                  |
| Ling cod   | <i>Ophiodon elongatus</i>                  |
| Surfperch (var. spp.)  |  |
| Surf fish (smelt)  | <i>Hypomesus pretiosus</i>                 |
| Night fish (smelt)   | <i>Spirinchus starksi</i>                  |
| Pacific herring  | <i>Clupea harengus</i>                     |
| Coho salmon  | <i>Oncorhynchus kisutch</i>                |
| Chinook salmon   | <i>Oncorhynchus tshawytscha</i>            |
| Steelhead rainbow trout (anadromous)                                 | <i>Oncorhynchus mykiss irideus</i>         |
| Coastal rainbow trout (resident)                                     | <i>Oncorhynchus mykiss irideus</i>         |
| Coast cutthroat trout (resident)                                     | <i>Oncorhynchus clarkii clarkii</i>        |
| Coastal Pacific lamprey  | <i>Lampetra tridentata</i>                 |
| Bird feathers used for ceremonial purposes<br>(e.g., regalia, etc.): |  |
| Osprey   | <i>Pandion haliaetus</i>                   |
| Brown pelican  | <i>Pelicanus occidentalis carolinensis</i> |
| Seagull (var. spp.)  | <i>Larus Occidentalis</i>                  |

**The above list is only a partial catalog of the marine/coastal species of cultural significance for the Tribes of Mendocino and Lake Counties.**

## Appendix D

### Bibliography of Ethnographic Works Relating to

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## **Noyo River Indian Community**

### Regional Profile

The Noyo River Indian Community (NRIC) has been active participants in the Marine Life Protection Act Initiative since the beginning stages.

It is first and foremost NRIC's duty to continue to promote traditional uses by the Noyo River Indian Community members and their families. These traditional uses have been passed down orally and by demonstration for thousands of years.

Traditional uses of the ocean and shoreline encompass not only harvesting, gathering, language, management, and sustainability, but ceremonial, too. Traditional uses and duties were shared equally by men and women. Today, these traditions are still being done by the Noyo River Indian Community throughout their ancestral territory the Northern most point being Cluster Cone Rocks (Bear Harbor) and ending at Little River Beach in Mendocino County.

### **History of Community**

The Noyo River Indian Community originally was the home of the local coastal Indians. After, the White invasion the community became a culmination of the local coastal Indians and inland Indians that were herded to the coast from Central and Northern California. This territorial coastal land then became the Mendocino Indian Reservation. With the creation of the Round Valley Reservation in the 1800's most Indians were taken to Round Valley. It was quite unusual for the Department of the Army to leave any Indians behind, but original individuals from Noyo River were left at Noyo Beach.

Today, the NRIC occupies the Northwest banks of Noyo Bay. The current residents are direct descendants of original Noyo River Indians.

Community members have been involved in a variety of projects along the Mendocino Coast. Members have acted as cultural experts, cultural liaisons, site monitors, native religious practitioners, public school presenters, as well as, botanical and marine experts. Current, projects NRIC is involved with is the old GP mill site decommissioning, State Parks repatriation, City of Fort Bragg development, and MLPA, to name a few.

### **Coastal Areas of Use & Harvesting Practices**

The Coast and Ocean are still used daily by NRIC. The Ocean is used for sustenance and nourishment not just as a food source, but, for physical health and well-being. Prayers and Ceremony can take place at any time. It is not something that can be circled on a calendar and said, "Here is when prayer needs to be done".

Resources found on and off shore are used for food, food preservation, teaching language, regalia, eating utensils, living quarters, hand tools, or Ceremony. Regalia can be shells, shell fragments, sea bird feathers, teeth, bones, claws, kelps, or seal skins. These aforementioned items are truly a treasure for the finder especially today to be used to carry on Native culture.

Areas up and down the coast were used throughout the year. High and Low tides are a factor for hunting and gathering. Also, estuaries and temporal estuaries were essential to life. NRIC main estuaries of use were Big River/Mendocino Bay, Hare Creek, Noyo Bay, Virgin Creek, Ten Mile, and Usal Creek. Access to all areas was by land or ocean. Today access can be limited by private land-ownership, state laws, or moratoriums.

### **Food Gathering.**

The Ocean and Shoreline have a vast array of food sources to be gathered and used. The following is a very limited list of foods.

i. Fish. Fish could be gathered from the surf, tidal pools, estuaries, or ocean. Fish was not always eaten when caught, but quite often dried or smoked for consumption during winter months. The entire fish is used including the heads, bones, and insides.

ii. Shellfish. All varieties are gathered and used. Not only is the meat inside the shell used but the shell itself. Shells could be used as spoons, dishes, regalia, gigs, money, and storage. Mussels, clams, scallops, crabs, and abalone were some shellfish used.

iii. Seaweed. All varieties of Seaweed and Kelp were collected and used. This plant life was gathered at low tide and from underwater for some varieties. Sea Palms, Kelp, and Seaweed were gathered. Some seaweed's were used for trade with inland Indians.

iv. Seals and Sea Lions. These animals were also a multi-use source. Not only for the meat, but the skins were used for clothing and various household uses.

v. Birds. Some birds and their eggs were sought for food. The feathers were also used for regalia and clothing.

vi. Salt. Salt was gathered from the rocks during low tide, but could also be gathered at anytime throughout the year from the surf. This was highly prized for food preservation or trade.

vii. Coastal Plant Life. Many plants, seeds, teas, and berries were also gathered. Many of these are found only on the coast. Noyo Harbor banks were sources of salmon berries, thimble berries, blackberries, strawberries, goose berries, sea apples, and water cress. Although, these are harder to find

today, these plants are still being used. Also, grasses and branches of coastal trees are used for fishing, regalia, structures, and basket-making.

viii. Driftwood on the beaches is used for smoking fish and mussels, structures, and boats.

The coast along Westport to Union Landing is a shared stretch of coastline by Noyo River and the Cahto Tribe. Management by these two groups of indigenous people has been going on for years. This area has never been over harvested or depleted by the natives. Harvesting only what is needed has kept the food sources in abundance for years.

Finally, as keepers of the land, it is the native people who charge themselves with management and sustainability of the earth physically, culturally, and spiritually. The Noyo River Indian people have been keepers of the land and ocean for thousands of years.



## **Potter Valley Tribe – additional information for CMLPA Regional Profile for the North Coast Area, Chapter 5**

North coast Indigenous Peoples were and are intimately familiar with the seasonal cycles important for successful fishing, hunting and gathering of a wide variety of marine and terrestrial resources to sustain their communities. The ocean, beaches, estuaries and tidelands with their diverse animal and plant resources continue to be a fundamental part of their identity and way of life. Despite historic events and policies that sought to annihilate, remove, colonize, or assimilate California Indians, many Indigenous Peoples of the north coast study region continue to reside in or near their ancestral homelands in far greater numbers and with their unique cultural traditions relatively more intact than in other coastal California regions (Rocha, pers. comm. 2009; Eidsness 2010). Many north coast Tribes are actively promoting cultural activities in the coastal areas to pass on knowledge from elders, provide a connection with younger generations, and acquaint youth with natural and cultural resources (Young, pers. comm. 2009). This has led to culturally, politically and socially strong Tribal governments and communities that are intimately connected to place. Although they vary in capacity, membership, land status, government, and structure, the north coast tribes and Tribal people maintain a strong understanding of marine ecosystems and continue to be successful in managing these ecosystems through sustainable subsistence practices (Rocha, pers. comm. 2009; Eidsness, pers. comm. 2010).

### ***Potter Valley Tribe (<http://pottervalleytribe.com/>)***

#### **Information to be included in updated regional profile and Appendix.**

The Potter Valley Tribe (PVT) is a federally recognized Tribe of Pomo people located in inland Mendocino County. The Potter Valley Tribe has a small land base, consisting of 18 acres in 4 separate locations several miles apart, and the recently acquired 69-acre coastal property (2009) just north of Ft. Bragg, Ca (Young, pers. comm. 2009). None of the properties are held in Trust, although one 10-acre parcel has been Tribally owned since 1892.

The Tribe, one of several with ancestors in inland Mendocino County, has a long history of residing inland while conducting at least annual visits to the coastal areas where seasonal camps were established within or enroute to the ocean (Young, pers. comm. 2009).

Though inland dwellers, the Potter Valley people also consumed foods from the sea. They made extended trips to the coast in early spring for seaweed, which was harvested in large quantities and dried in circular “cakes”. These were prized for their salt content as much as for their nutritious value. Mussels, limpets, slippers, surf fish, abalone, and kelp were harvested and often dried before being carried home. The Potter Valley people return each year to specific areas near present day Fort Bragg. There they camped in small quickly built shelters on the beach or adjoining headlands. After logging was introduced on the coast in the late 1850’s, people began to use leftover redwood slabs to cover their dwellings.

The Potter Valley Tribe’s Ft Bragg property has pre-historic village sites, most likely seasonal camps, as evidenced by shell middens, mostly composed of mussels, abalone, and limpets. The property was part of the 25,000-acre Mendocino Reservation, located between the Noyo

and Ten Mile Rivers on the site of present day Fort Bragg (Van Bueren & Scantlebury, 2004). By July 1856, hundreds of Indians - Pomo, Yuki, and others from as far away as Eureka and Chico- were “colonized” on the Mendocino Reservation. This reservation was to segregate Indians for their protection from White settlers and to free Indian lands for White settlement. Although established for the protection of Native Americans, the Mendocino Reservation was soon subjected to mismanagement, economic scandals, and exploitation, and lasted for ten years until it was officially discontinued and sold in 1866 (SAR, 2007). Although the reservations were established to become self-sufficient agricultural operations, rations were often in short supply. Interned Native Americans undoubtedly gathered food from the coastal area around Ft Bragg to augment supplies provided by the reservation.

Presently, the main areas visited by the Potter Valley Tribe are: Navarro River mouth north through Mendocino/Ft. Bragg areas to Rockport, where U.S. Highway 1 turns inland. This also includes estuary and upriver areas. Much of their food supply was either gathered or traded for in the coastal belt or consisted of anadromous fish coming up the rivers. The Tribe is actively pursuing development of an environmental campground with programs for education of other Native Americans and interested public at their Ft Bragg property. Proposed programs include cultural and archaeological studies, marine resource gathering and utilization, and habitat restoration. One of the main purposes is to provide opportunities for disadvantaged youth to camp near the ocean and experience outdoor educational activities.

Marine resources that have been utilized in recent history include fish, kelp, mollusks, crab, feathers, shells, sea anemones, and native plants. Specific activities include boat fishing, shore and off-shore gathering, river and estuary fishing and trapping.

SAR. (2007). Potter Valley Tribe of Pomo Indians: Cultural and Historical Overview. Sentinel Archaeological Research, LLC. Unpublished first draft: PVT Tribal records, Ukiah, CA

Van Bueren, T. & Scantlebury, M. (2004). Historical Resource Evaluations for a Proposed Residential Development on the White Property near Ft. Bragg, California. Report prepared for the White property: July9, 2004. Tribal records: Ukiah, Ca.

# Robinson Rancheria

## Overview

The Robinson Rancheria is one of the Eastern Pomo Tribes. The ancestral territory of the Eastern Pomo is located mostly in the Clear Lake Basin with the Coastal Ranges on the western side, to the north, what is now the Mendocino Forest with Lake Pillsbury and the east Indian Valley Reservoir. The territory spread as far south as Loch Lomond.

Robinson Rancheria itself is in an area that is environmentally diverse, with hills of oak woodland, with meadows and dry grassland, with areas of floodplain of Clear Lake, and with wetland. Wildlife that has been observed through the years is diverse. A portion of Tribal lands has been developed for economic and housing interests, but areas of wetland, meadows, oak woodland, and corridors including riparian are intact. The Tribe is sensitive to areas that have a natural history of wildlife and plant life for them. To establish a baseline of wildlife and critical habitat is an important first step in planning for healthy ecosystems that will support wildlife within Tribal lands.

The Tribe's original land base was several miles distant from the existing Rancheria. The lands of the former Rancheria were distributed pursuant to the California Rancheria Act. The termination of the original Rancheria was declared unlawful in *Duncan v. Andrus*, in part because an adequate supply of potable water could not be developed on the original Rancheria. It is located approximately 2 miles southeast of Upper Lake and approximately 1.5 miles northwest of Nice, both unincorporated communities in Lake County. This location is approximately 1.4 mile north of Clear Lake, the largest natural freshwater lake entirely in California.

## Historical Coastal Marine Relationship

Although the ancestral territory of the Eastern Pomo is located mostly in the Clear Lake Basin, the relationship between the Eastern Pomo and the Pacific ocean shoreline has become a key part of the cultural life ways.

The Eastern Pomo would travel on Historical Trails to the Pacific Coastline on lengthy gathering trips. The territory would encompass areas from what is today Bodega Bay north to Westport depending on the material being sought. These trips would often take months returning with their burden baskets full of ocean food and trade material.

### *Food Resources*

The Eastern Pomo diet consisted mainly of locally gathered plants and game. The Eastern Pomo were "Rock Pickers", this means that although they swam in Clear Lake, they did not typically swim in the ocean but rather gathered along the rocky shoreline. Although the food gathered by the Eastern Pomo from the

ocean is not as diverse as the Southwestern, Northwestern and Kashaya Pomo, it is noted both orally and anthropologically that the Eastern Pomo partook of Ocean foods such as: Seaweed, Abalone, Mussels, Clam, and snails. All of which could be dried and transported without damage.

#### *Trade Resources*

There is little doubt that the Pomo are known for their basketry, but they are also the most proficient clam bead makers in the whole California area. Among many of the Central California Indians, the primary source of money were the Magnesite beads and Clam shell beads. The Eastern Pomo maintained a reputation of being the Bead Makers. The white clam-shell beads were made from the shells of a large clam species collected from the ocean and carried back to Clear Lake for processing.

Closely related to bead-making was the use of the brilliantly colored shell of the abalone for making pendants. This abalone shell was never used to make beads. It was almost always worked into a triangular form which were used to terminate the ends of clam bead lengths. The clam beads and abalone were often incorporated into the design of feather and coil basketry, another form of trade.

Whether being used to trade, decorate or as dowry for a suitor, these gifts from the ocean were intertwined into the daily Eastern Pomo life.

### **Tolowa Dee-ni' Tribe of the Smith River Rancheria (<http://www.tolowa-nsn.gov/>)**

The origin of the Tolowa Dee-ni' Tribe began at Yan'-daa-k'vt during Genesis. The first reservation was created in 1862 following the treaty negotiations of the 1855 Howonquet Treaty at the mouth of the Smith River. In 1868, the Smith River Reservation was discontinued. In 1908, the Tolowa Dee-ni' Tribe became a re-federally recognized Tribe, with the creation of the Smith River Rancheria ("Tribe"). The Tolowa Dee-ni' suffered federal termination from 1960 until the 1983 Tillie Hardwick decision restored the Tribe to a federally-recognized Nation.

Tolowa Dee-ni' aboriginal homelands, which constitutes the home of the Tribal citizenry, lays along the Pacific coast south of Wilson Creek, north to Sixes River and inland to the Applegate River, including the Sixes, Rogue, Applegate, Pistol, Chetco, and Smith River drainages and the rocky coastline of Northern California and Southern Oregon. The Tribe within the past 27 years has regained an additional 500 acres of land to support growth. The Tribe represents the principal population of the Tolowa Dee-ni' which has grown to 1,400 citizens. The Tribe is community-focused and manages its own fresh drinking water and wastewater treatment facilities and actively participates in the management, protection and stewardship of the natural and cultural resources of the land, rivers, ocean and streams throughout the ancestral lands.

As a living culture today, the Tribe and tribal community continues to practice its traditional life ways of fishing, hunting, and gathering from the rich ocean and its bountiful coastal penneplain and mountains. Even in the face of the acts of genocide by the federal and state governments, the Tolowa Dee-ni' have held fast to traditional religion and remain the sole Tolowa Dee-ni' speech community and the repository of the Athabaskan language stock and its resources. The value of these fundamental cultural activities and the management of these resources are as important today as they have been since time immemorial when the Tolowa Dee-ni' emerged as a people.



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## Culturally Defined Geographic Elements

Traditional Resource’s and Accessibility Practices in the Ancestral Territory of  
The Tolowa of Del Norte County  
Past, Present and Future

### DISCUSSION:

This document is Tolowa Nation’s Tribal information submitted for inclusion in the California Marine Life Protection Act (MLPA) North Coast Regional Profile. The information provided pertains to the indigenous territory, harvest practices, resources used by the Tolowa in Del Norte County. In the *Draft Atlas of the North Coast Study Region (Alder Creek to the California-Oregon Border)* Companion to the Draft Regional Profile of the North Coast Study Region, Dec. 2, 2009 Draft are maps which correlate to the Tolowa regional names as discussed in this submitted document. (see table 1 below)

| PAGE | SHEET NAME      | Tolowa Village/Territory            |
|------|-----------------|-------------------------------------|
| 1    | Smith River     | Yontocket and Howonquet             |
| 2    | St. George Reef | Etchulet                            |
| 3    | Crescent City   | Ta-a-tun                            |
| 4    | Klamath-North   | (Tolowa/Yurok tribal boundary area) |

**Table 1:** Tolowa Territory correlated to Maps in the MLPA Draft Atlas of the North Coast Study Region Draft 2

Tolowa Nation has responsibility to act, to protect and to maintain our established and unrestricted access to our coastal resources. Tolowa cultural knowledge is inherent and ultimately ingrained in all past, present and future generations of Tolowa.

There has been considerable loss of Tolowa cultural knowledge and tradition (Bowen, A). Although there is a resurgence of those seeking to learn the language, history, traditions and ways of Tolowa, recent years have proven that time is of essence due to the passing of tribal

elders and traditionalists. We are extremely aware of what can occur when confidential information suddenly becomes public knowledge. There exists great difficulty maintaining the integrity of sacred traditional information and location of related sites. Historically, a dominant society definition of confidentiality leaves much to be desired. Many problems occur such as:

- Resources are depleted or destroyed
- Sacred sites become tourist destinations
- Burial sites are desecrated and robbed
- Other significant areas (including those mentioned above) are vandalized
- Traditional knowledge becomes “common” knowledge, and then published in informational brochures
- Inappropriate or unauthorized use of intellectual cultural property

Tolowa Nation is intentionally omitting any maps of traditional Tolowa territorial lands, significant cultural or ceremonial sites, as well as the locations where our resources are utilized and accessed. To expose information of sacred sites in present times is not a risk, as a tribal council or tribal members, we would ever consider lightly. Frequently the acquired traditional knowledge ends up being used for purposes of personal or collective gain often “for the good of many”. Historically “for the good of many” is at the expense of the original occupants and their descendants. Furthermore, we endure the ongoing challenge of conveying the degree of intimate physical, personal and spiritual relationship native people have with our land. Western cartography identifies a place by attaching a name; on the conventional two dimensional maps it exists as a mere place in linear proximity to other places. Indigenous cartography incorporates “places” as multidimensional beings, coexisting with the all the spiritual qualities, and rights, of a living breathing entity. Basically, the land and its uses are dynamic and retain information of the past, present and future.

Tolowa Nation is respectfully aggressive in pursuit of the protection of Tolowa historically significant cultural areas in and around the Lake Earl Wildlife Area (LEWA) and Tolowa Dunes State Park (TDSP). The LEWA and TDSP with regard to Tolowa cultural and traditional interests has been a major concern of controversy in Del Norte County. The conflict is due to the controversy concerning management tactics, and apparent bureaucratic disregard and ineffective

enforcement of numerous state and federal Native American cultural protection laws and executive acts.

Currently the challenge for Tolowa Nation, as well as other Native American tribes, is how to convey the indigenous aesthetic values of geographic cultural resource attributes. Presently, there are few, if any, acceptable models which offer established weighted 'values' to represent the geo-spatial elements of traditional and cultural importance. There is need for discussion of policy which will adequately delineate indigenous cultural values in comparison to present-day, dominant society, consumer-based material standards. For the MPA planning purposes any information pertaining to names and locations of any culturally significant site in Tolowa territory, a written request may be sent to the Cultural Committee c/o Tolowa Nation, P.O. Box 213, Fort Dick, CA 95538.

## **OVERVIEW**

Tolowa aboriginal lands begin in the South starting at Wilson Creek, then along the Pacific coastline for approximately thirty-two miles North to the Sixes River, Oregon, then inland to Big Flat, which lies along the western boundary of the Siskiyou mountain range, as far as geography allows. Geography dictated the tribal boundaries (Slagle).

HUSS indigenous lands consist of approximately nine hundred and fifty-five square miles, thirty-five miles of the Smith River and its three forks. The aforementioned quantity is multiplied greatly when the creeks within the Smith River watershed are included.

## **CULTURALLY DEFINED GEOGRAPHY**

### **Categories of cultural elements of the designated MLPA Marine and Coastal areas:**

There are literally thousands of various elements of culturally significant sites (Drucker), which include, but are not limited to:

- Villages –Tolowa social geography in Del Norte County
  - Primary Tolowa villages, of which there are four, but only three physically, still exist today (Bowen, J). The four largest village names, listed from North to South:
    - **Howonquet**, north of Smith River, CA

- **Yontocket**, an island once located on the Smith River. This village and the island no longer exist; the spirit of Yontocket is still represented.
  - **Etchulet**, located on the shores of Lakes Earl and Talawa in Del Norte County, CA
  - **Ta-a-tun**, is located in what is now known as Crescent City, CA.
    - There are numerous suburb or satellite smaller villages with historically established social ties to each of the four primary villages.
- Seasonal hunting and gathering (for subsistence) camps from the northern most boundary of Del Norte County, following the coast to Wilson Creek, which is a few miles north of Klamath, CA.
- Medicinal gathering areas in which gathering of specific plants in specific locations for specific common health reasons and ailments. Botanical gathering, processing and methods of use include but are not limited to edible, medicinal or physical use such as for baskets, tools, ceremonial and common attire.
- Medicinal practicing areas specific areas necessary for preparation of proper healing powers.
- Spiritual retreats, site specific, areas of use intended for men only, others for women only. Yet others must be visited in a ritualistic and prepared manner in order to achieve adulthood, manhood or woman hood or, as one example, to have good gambling luck.
- Many other places of cultural significance.

Basically every action and thought has a specific tie to a geographical place, every stone, and every plant; every area has a spirit and must be honored with different levels of respect (Bowen, A). Everything that exists in all locations in Tolowa territory has a geo-referenced point and/or area specific to the qualities it may possess. Often places may have one or more names depending on the purposes of a discussion.

Additionally there is need to establish not only what is exclusively Tolowa tribal territory but what is the current, modern day status of the landholdings (Prittchet). What is the status of accessibility for a Tolowa tribal member? How will the Tolowa tribe protect indigenous hunting, gathering and cultural religious access within the current language of the MPA?

Much of the information provided for the purposes of inclusion for California Marine Life Protection Act (MLPA) North Coast Regional Profile is derived from the following sources:

- Oral history: discussions with family members and Tribal elders.
- Participatory observation: culturally inspired field excursions, traditional gathering, and incidental events.
- Archival Research: Del Norte County archives, Media archives from Del Norte Triplicate, Tolowa Nation Petition Submitted for Federal Recognition.

## **TRIBAL COMMUNITY**

### **First European Contact**

First contact with European immigrants (aka settlers) occurred with the arrival of the Jedediah Smith party in the mid 1820's. The Smith party camped at the south end of Lake Earl for a couple of days before moving on. The estimated population of Tolowa Indians at that time is questionable and varies from 450 to 2500, depending on the source.

Following the influx of the European settlers, a number of massacres occurred at the three major Tolowa villages in the 1850's. Each massacre occurred by the hands of the white-euro settlers whose actions were deemed justified by the US government and its fledgling social and legal systems. The first massacre at the village of Yontocket occurred in 1850 and again in 1853. Then in 1854 yet another massacre ensued near Yontocket during the most important Tolowa event known as NAY-DOSH: a ten-day renewal (of the earth) ceremony. In 1855, a major attack was coordinated and launched upon the villages of Etchulet and Howonquet. In 1856, the final socially accepted massacre occurred at Howonquet. These unjustified and unprovoked massacres decimated HUSS, and brought the Tolowa to near extinction. The 1906 Del Norte county recorded census shows 210 Indians, a mere four years later the 1910 California Census states the Del Norte county Indian population as being 121 individuals (Slagle).

### **Current Day Tolowa**

The Tolowa have never relinquished anything to the US government. This includes their tribal land rights and hunting, fishing, and gathering rights. In Del Norte County, which is only part of the indigenous territory of the Tolowa (they called themselves HUSS, meaning People) there are

three Tolowa tribal governing entities, which make up elements of the tribe as a whole. One is Tolowa Nation which is “non-federally recognized” tribe/band and the other two, Elk Valley Rancheria and HOWONQUET/ Smith River Rancheria, which are “federally recognized” bands of Tolowa” (Slagle).

Members of Tolowa Nation have always and still do actively practice traditional gathering, hunting and fishing. Traditional practices of all things cultural, including harvesting of resources is done so with respect and consideration to the impact to the land, habitat and ecosystem.

***“We will either find a way, or make one.”***

***- Hannibal***

## APPENDIX 1

Provided by Charlene Storr, a Tolowa Nation member and respected member of the community. Following is Charlene's reply to this committee's request for input from members of Tolowa Nation, to be included in the document submitted for the *MLPA North Coast Regional Profile of the North Coast Study Region*.

25 March 2010

"My feeling is as long as we don't lose any gathering rights to the ocean's produce we can support their plan! We also need to consider many other people who are supported by the ocean and regulate amounts, if possible.

So many people take from the ocean and don't do it productively that produce is really being depleted faster than we think. Subsistence is the word. Keep everything growing and if we keep an eye on things we can regulate how much we take. Talk to your friends who are fishermen, abalone gatherers, shrimpers, and anything else they gather (agates, too).

We should all be working together, but I don't think people **who do not live** in the affected area should be making the decisions about what we can and can't do in our part of the ocean. "

## APPENDIX 2

*The following is a copy of Tolowa Nation's previous communication submitted to the MLPA North Coast Regional Stakeholder Group.*

1 February 2010

**From:** Tolowa Nation, P.O. box 213, Fort Dick, CA, 95531

**RE: California Marine Life Protection Act (MPLA) Initiative**

Tolowa Nation Tribal Council of Del Norte County, CA. respectfully submit the following comments in response to California Marine Life Protection Act (MPLA) proposed *Draft Regional Profile of the North Coast Study Region (Alder Creek to the California-Oregon Border)*.

Tolowa Nation Cultural Gathering and Protection Rights (CGPR) Committee member, Raja Storr, having reviewed the *Draft Regional Profile of the North Coast Study Region (Alder Creek to the California-Oregon Border)* strongly recommends that Tolowa Nation Tribal Council stand in opposition of any and all of the drafted proposed actions as offered or implied by the MPLA and the State of California. Tolowa Nation has a vested interest as a regional stakeholder in the planning process which currently is not represented.

The recommendation of opposition is based upon, but not limited to; information paraphrased or cited directly from the body the MPLA's *Draft Regional Profile*. Reference to specific portions will be identified, as necessary, in accordance with the MPLA document by section, page number and paragraph (¶) followed by Tolowa Nation's CGPR committee commentary observations. In addition to the following selected items and issues, there will follow a statement of conclusion providing an overall summary of opinion of both cultural and personal nature.

Chapter/Section/page#/¶:

**Executive Summary, ¶3:** *"marine protected areas ....will be evaluated and redesigned with input from the public, a regional stake holder group, a science advisory team, a blue ribbon task force, the California Department of Fish and Game (DFG), the California Department of Park and Recreation and other interested parties. "*

**Tolowa Nation's CGPR:** The listed groups, teams, task force(s) California Departments and *"other interested parties"* as offered in the above statements is viewed to be exceptionally vague and does not adequately satisfy this committees definition of *"informative"*. Tolowa Nation's ability to participate in

the planning process is hindered due to lack of representation in the regional stakeholders working group.

### **3.1.3 Estuaries and Lagoons, p.15, ¶3-4, “Smith River Estuary (including Tillas Slough)” and “Lake Earl”**

**Tolowa Nation’s CGPR:** These two areas are critical as numerous significant cultural sites reside within these areas of Tolowa indigenous territory. All environmental natural and cultural elements found within these areas are minimally protected by Tolowa tribal interests and are, allegedly, already under state and federal “protected status” as well.

With consideration regarding the offered statement **located on page 123, ¶3, All** descendants of the original, historical, current and future Tolowa retain inherent cultural rights pertaining to use and access of gathering, hunting, fishing, and related traditional activities includes (but is not limited to) Del Norte County, CA.

\*Tolowa jurisdictional and tribal territory is as follows:

The Tolowa Nation tribal area is located between Sixes River, Oregon in the north to Wilson Creek, California in the south and east inland just past an area known as Big Flat, California. Tolowa territory consists of 955 sq. miles of area, this includes 32 miles of Pacific Ocean coastline and 35 miles of river access along the Smith River watershed. Geography dictated the tribal boundaries (Slagle).

(A legal definition of Tolowa Nation’s geographic political boundaries can be located in governing document of the Constitution and bylaws)

**4. Land-Sea Interactions, p. 49, ¶1:** *“Important...interactions...studying associations ...may impact the effectiveness of an MPA of MPA network in meeting its objectives.*

**Tolowa Nation’s CGPR:** The “objectives” of the MPA in the above offered statement (as well as any objective of this entire proposal) are vague, unclear, fuzzy and otherwise ill-defined throughout the document.

**4. Land-Sea Interactions, p. 49, ¶3, bullet 4 (of 4):** *“socioeconomic interactions between land and sea at the coastal margin where degraded water and sediment quality (e.g., leading to beach closures or seasonal bans) may affect ecotourism and management of environments”*

**Tolowa Nation's CGPR:** This "classification" of "land-sea interaction" is considered a surreptitious, unnecessarily wordy way of saying: "Common people who use the area will pollute it and will get in the way of those of us who want exclusive access to the resources for personal/corporate profit and gain"

**7.1.4 Native American Jurisdiction and Treaty Rights:** See the section as offered in its entirety.

**Tolowa Nation's CGPR:** The Native American Jurisdictional status of Tolowa Nation is not justified by the inadequate definition offered in this section. The failure to recognize Tolowa Nation as a Native American sovereign nation by the State of California and the federal government is not sufficiently reasonable to exclude Tolowa Nation's right to participation in the planning process.

In conclusion, the objectives and purposes of the MPLA Initiative are unacceptable in the current state as offered by the *MPLA Initiative Draft Regional Profile*. The entire document, from beginning to end, seems to provide sufficient as well as a few questionable statistics and informational data. Yet nowhere is an absolute definition of what is offered for public consideration, other than the impression that the State of California, with consideration to the MPA, may or may not be concerned, and may or may not be acting upon, the MPLA initiative. This is disconcerting from not only an indigenous/tribal/cultural perspective but from that of a public citizen in general.

The protection and management of the environment and non-human inhabitants are of concern for all members of today's society. This includes **our** responsibility for future generations. If any action should be implemented by the local, state, federal and global citizens it should be societal and individual efforts to aggressively reduce the grotesque appetite of the disposable consumer mentality which is depleting the planets resources.

#### Source cited

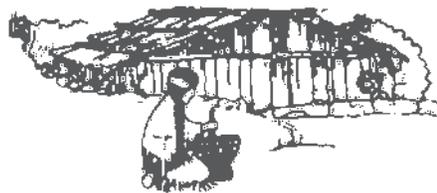
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For Inclusion in the MLPA North Coast Regional Profile  
Approved by Wiyot Tribal Council March 22, 2010

Wiyot people have lived in the Humboldt Bay region since time immemorial. Wiyot ancestral territory extends from Little River near Trinidad to Bear River Ridge near Scotia, and east to Berry Summit and Chalk Mountain. This region supported a pre-contact population estimated at 1500 to 2000 Wiyot peoples. However this population declined to approximately 200 after the 1860 Massacres, then to 100 by 1910 as a result of disease, resource depletion, slavery, displacement, and genocide. The Wiyot Tribe as a sovereign nation has rebuilt their community and currently has over 600 tribal citizens, living on tribally owned lands and surrounding communities.

Current tribally-owned lands and affected waterways include the Table Bluff Reservation along southern Humboldt Bay, the Old Reservation, which abuts McNulty Slough, Indian Island in Humboldt Bay, and Cock Robin Island in the Eel River Estuary. We are invested stakeholders into the MLPA as we are the first inhabitants of this land. We possess the sole authority to govern and make decisions in regards to Wiyot land, water ways, and Wiyot people within our aboriginal territory as a sovereign nation.

The North Coast of California is rich with abundant terrestrial, ravine, estuarine, and marine resources. Wiyot people historically lived in permanent villages along the waterways which also served as the main source of travel and trade. Today we continue to respectfully use all water and land within our aboriginal area. We are active stewards of Wiyot land as well as an integrated part of the ecology which brings balance to our ecosystem.

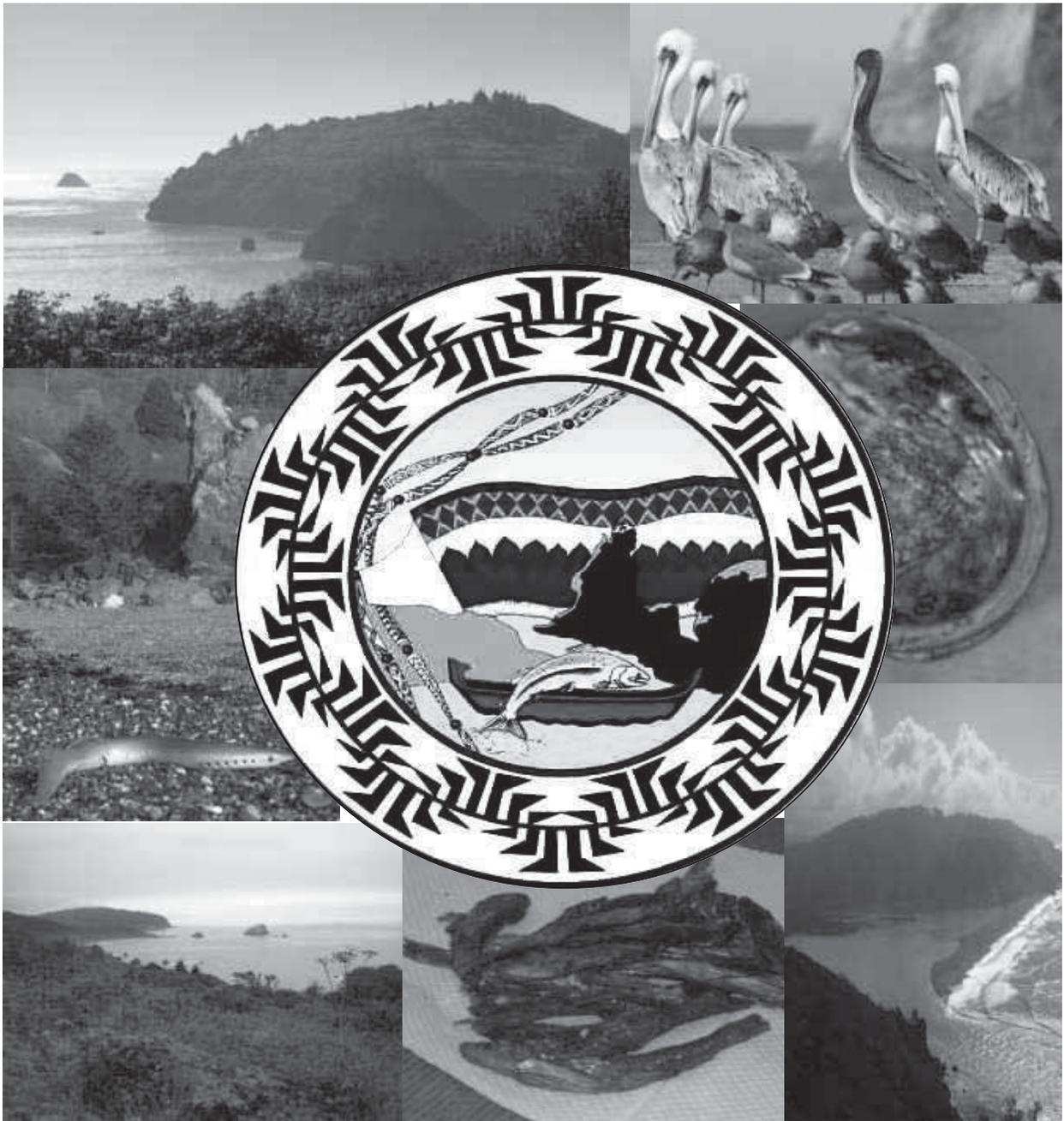
The Wiyot Tribe's Environmental Department is active in protecting and restoring habitat in Wiyot Lands and Waters and consulting with local, regional, and federal environmental agencies. Current projects include:

- Water monitoring on Humboldt Bay, Mad River, Eel River, and area wetlands;
- Plant and wildlife surveys;
- Pollution control;
- Invasive plant eradication and native plant restoration; and
- Contamination remediation on Indian Island and Humboldt Bay.

The Wiyot have used and managed resources for sustenance, livelihood, and ceremonial purposes along the coastline, river mouths, estuaries, sloughs, and Humboldt Bay for time immemorial, and have been an integral part of the coastal ecology. We are a sovereign, federally-recognized tribe and have never ceded any part of our hunting, fishing, and gathering rights in our ancestral territories. These rights and uses are not limited to any specific resources or species, but extend to all resources and species in the area.



# Yurok Tribe Profile



Prepared for the  
California Marine Life Protection Act  
North Coast Regional Profile  
California Tribes and Tribal Communities Appendix  
April 2010



*All along the rocks were little quohogs and abalone. They use the shells to decorate Indian dresses. You either had to swim for them, or in deeper water take the boat out to get them. Then they broke the shells into chunks, and shined the pieces that were used on the dresses. We used to be able to hear them when they were all decked out for the last Brush Dance. You could hear the dresses talking...Hetch pah arey - the dresses are singing to you.*

Anonymous, Respected Yurok Elder (Jarvis and Gates 2007)



Palmer's Point Looking North



## Introduction

The Yurok Tribe is the largest federally-recognized Tribe in California and the entirety of Ancestral Territory for us is within the North Coast Study Region, as defined by the State of California's Marine Life Protection Act Initiative (MLPAI). A self-governance Tribe today, we remain on the lands and waters where our ancestors have survived since *Noohl Hee-Kon* (the beginning). This includes the Lower Klamath River and tributary watersheds, high country, coast and lagoons from Little River to Damnation Creek, and off this coastline the entire ocean west to the horizon. Our lifeway and identity are inextricably tied to this place.

This intrinsic relationship, which includes an inherent and traditional responsibility to *peesh-kahl* (the ocean) and the species that live within, stems from the creation of Yurok People and continues unbroken since time immemorial. The Yurok lifeway is rooted in this connection with, and reliance on, the resources for subsistence, health, bartering, tools, ceremonial, medicinal, spiritual, and other customary purposes. Thus, the sustainability and health of the resources and ecosystems of interest under the California Marine Life Protection Act (MLPA) are of supreme importance to the Yurok Tribe as they are inherently connected to the survivability of our lifeway and cultural identity. For Yurok, it has always been essential to sustainably harvest these resources so that they, as well as we, may flourish. As recognized in our Constitution, "This whole land, this Yurok country, stayed in balance, kept that way by our good stewardship, hard work, wise laws, and constant payers to the Creator" (Yurok Tribe 1993). The Yurok Tribe has a traditional, cultural, spiritual, and political responsibility to continue to play a vital role in protecting *peesh-kahl* and managing resources in the manner provided to us by the Creator. These are the underlying reasons why the Yurok Tribe is participating in the MLPAI in the North Coast Study Region. Part of this participation includes submitting this profile, which provides a glimpse of the ecological, governance, cultural, and socioeconomic setting of the Yurok Tribe. We would like to thank the MLPAI for providing a venue for us to tell our story in our own words.

## The Yurok

Although today we are most commonly known and referred to as "Yurok" this term is what our neighbors, the Karuk up the Klamath River, called those downriver of them. When early non-Indian settlers passed through Karuk lands, they asked who the people downriver were and the Karuk name for us was used and has sustained. Traditionally when we refer to ourselves generally we say *Oohl*, meaning the people. When we reference people from downriver on the Klamath we call them *Pue-lik-lo'*, those on the upper Klamath and Trinity are *Pey-cheek-lo'*, and on the coast *Ner-er-ner'*. Today we are most commonly known and refer to ourselves collectively as Yurok.

## Yurok Country

The traditional worldview of Yurok People conceptualizes the landscape as a flat extent that floats atop and is surrounded by *peesh-kahl*. In this worldview, it is believed that if one travels far enough up the Klamath River, you come to salt water again. If you paddle far enough out across the ocean, where the sky comes down to the water, it is



possible to slip underneath the sky and go to the home of supernatural beings; although these are places mortals rarely go. As the Klamath River is thought to bisect the world, direction is related to the flow of the river (*pets*, “upriver,” and *pul*, “downriver”). Along the coast, north of the Klamath River is considered downriver and south of the Klamath is upriver, due to the manner in which the world is conceptualized.

The cultural geography where Yurok customary law applies is our Ancestral Territory. Ancestral Territory encompasses the coast of the Pacific Ocean and lagoons stretching north from Little River in Humboldt County to Damnation Creek in Del Norte County and including from the shore in a westerly fashion to the horizon. In addition to the Yurok coastal lands, Yurok Ancestral Territory extends inland along the Klamath River from the mouth of the river at Requa to the confluence of Slate Creek and the Klamath River and includes certain tributary watersheds, as well as the ceremonial high country, trails, and all usual and customary hunting, fishing, and gathering sites (Yurok Tribe 1993) (see Figure 1).

Environments within this cultural geography include marine, coastal, riverine, estuarine, lagoon, forestlands (redwood, fir, oak, cedar, spruce, and pine), prairielands, and high mountains. This cultural geography, which includes the natural resources, is the cultural landscape of the Yurok and we have a traditional responsibility and aboriginal right to manage and utilize these places and resources, which has never been relinquished.

Within this cultural landscape are numerous potentially eligible Traditional Cultural Properties under the National Historic Preservation Act (P.L. 89-665; 16 U.S.C. 470 *et seq.*), many of which have been identified contiguously along the entire coast and waters of Ancestral Territory (Yurok Tribe 2009a). Full evaluation and consideration of these potentially eligible historic properties must occur in the environmental review process when implementing the MLPA in order to thoroughly consider impacts to cultural resources, as required by law.

At the time of anthropological documentation, within Ancestral Territory there were over seventy known villages, which are situated along the banks of the Klamath River, ocean streams and lagoons (Kroeber 1925:8, Waterman 1920, Pilling 1978). Each village has its own geographical boundaries, which may include offshore rocks and pinnacles, as well as leaders, family members, and descendants who have traditional ownership to certain places. An example is at *o’ sey-gen teen’*, which translates to “Osegen fishes”. This identifies a coastal fishing site for those from the coastal village of *Osegen*, which is nearly three miles away. Similar examples exist for river fishing locations, hunting grounds, permanent and temporary home sites, seasonal sites, gathering areas, training grounds, ceremonial areas, and spiritual sites among other customary use areas. Within this ownership comes the responsibility to properly care and manage those areas and resources sustainably and in a culturally appropriate manner. For us, this responsibility continues unbroken for many villages and families since *Noohl Hee-Kon*. With this responsibility is the inherent requirement of stewardship and sustainability that is connected and intrinsic to place.

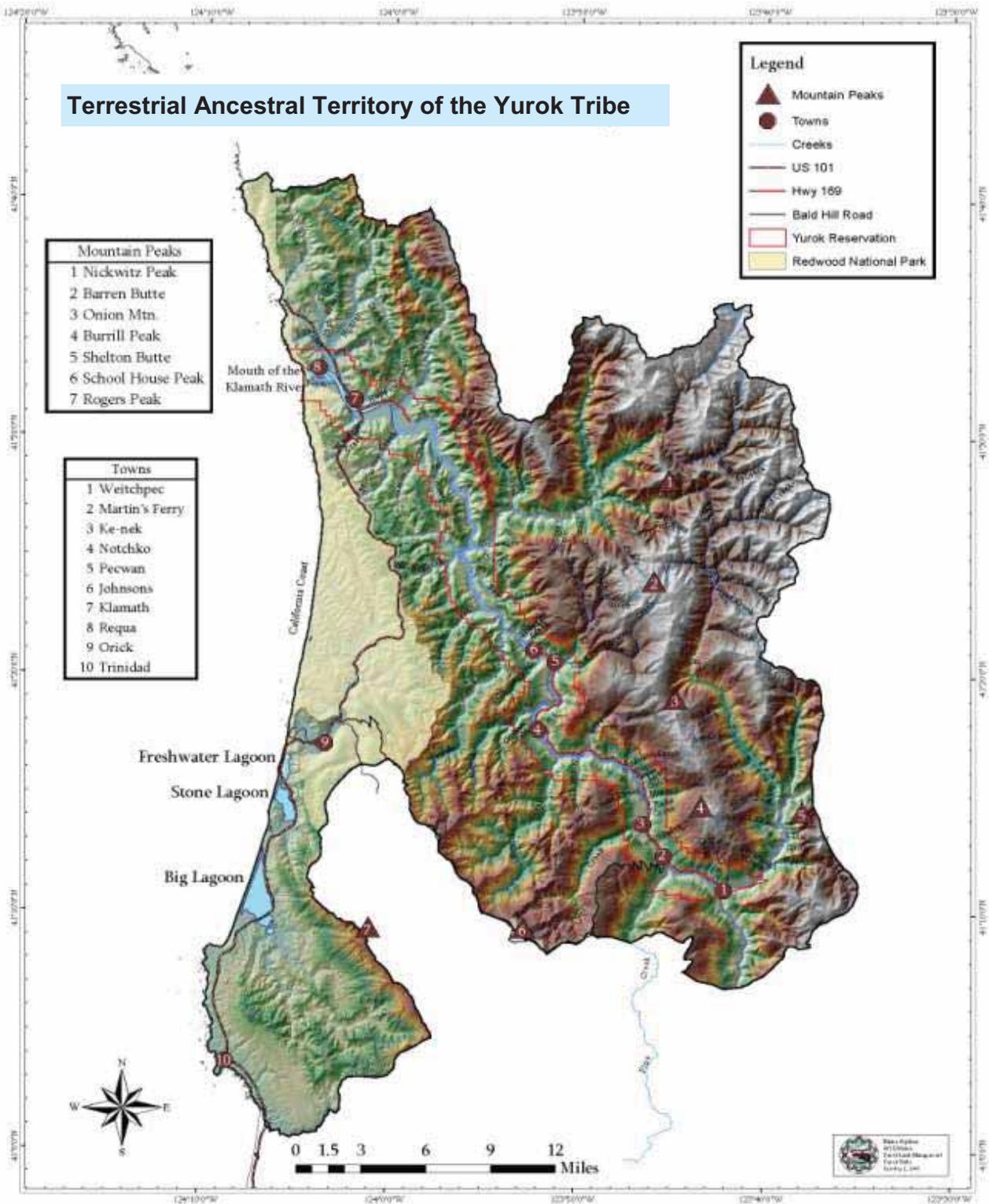


Figure 1: Terrestrial Ancestral Lands of the Yurok Tribe



The first documentation of Yurok encountering non-Indians was in 1775 when Spaniards anchored in Trinidad Bay and met the inhabitants of the village of *Tsurau*. Little cross-cultural interaction occurred until 1849 when gold was identified in the Klamath, Trinity, and Salmon Rivers, which brought an influx of miners and settlers to the region, eager to remove us from our homelands by any means. Governmental policies and actions by settlers and miners to exterminate, colonize, corral, assimilate, and remove us from lands within Ancestral Territory continued, despite formally establishing lands to be reserved for the Yurok as early as 1855. These land designations by the federal government culminated in 1988 with the Hoopa-Yurok Settlement Act (HYSA), which explicitly identified the Yurok Reservation to include one mile on each side and including the Klamath River, beginning near the confluence of the Trinity and Klamath Rivers at Weitchpec, continuing downstream approximately 45 miles, and extending into ocean waters offshore the river mouth at Requa, for the sole purpose and use of the Yurok Tribe. Although there is a portion of the Yurok Reservation that includes the mouth of the Klamath River and the ocean waters offshore, the Reservation includes lands primarily along the Klamath River and not the coast. Although the Tribe does not currently hold fee title to those Ancestral lands outside the Reservation, aboriginal and customary use rights to hunt, fish, gather, pray, access, manage the cultural and natural resources, and other uses of those areas has never been ceded and the responsibility, connection, rights, and uses of those places persists. In addition to reaffirming a landbase along the Klamath, the HYSA led to the formal establishment of the Yurok Tribe, as the sole Tribal government responsible for Yurok citizens.

### **Yurok Tribe Governance**

The Yurok Tribe is federally-recognized as a separate and independent sovereign nation within the territorial boundaries of the United States. This sovereignty is inherent and flows from the pre-constitutional and extra-constitutional governance of the Tribe. Early federal policy and U.S. Supreme Court case law recognizes that Tribes retain the inherent right to govern within political boundaries (*Worcester v. Georgia* (1832)) and that power to interact with Tribes is vested with the federal government (*Cherokee Nation v. Georgia* (1831)). This established governmental structure, which recognizes the sovereign and political independence of Tribal nations, and maintains the regulation of Indian Affairs is with the federal government and not states has been affirmed on several occasions by the U.S. Supreme Court (*California v. Cabazon Band of Mission Indians* (1987) (citing *United States v. Mazurie* (1975) and *Wash. v. Confederated Tribes of Colville Indian Reservation* (1980))).

There is also a continuous affirmation through federal judicial decisions of the sovereign authority of Tribes over their citizens and their territory that extends beyond the boundaries of a reservation (see *United States v. Mazurie* (1975)) and this authority is recognized in our Constitution (Article 1, Section 3). Furthermore, it has been found that, “The sovereign governing authority of Tribes over their citizens is independent of location and this authority is an independent barrier to the exercise of state jurisdiction (see *White Mountain Apache Tribe v. Bracker* (1980)).



Stemming from this inherent right to self-govern and authority over citizens, is the ability to self-determine citizenship (see *Santa Clara Pueblo v. Martinez* (1978)). Yurok citizenship is determined by governing tribal law and recognized by the Yurok Tribal Council as the sole authority to determine citizenship, however determined appropriate. Tribal citizenship then is more accurately understood as a political classification and not a racial classification. This conceptualization of “Indian,” meaning a citizen of a federally-recognized Tribe, as a political classification has been upheld in countless instances, including in the U.S. Supreme Court (see *Morton v. Mancari* (1974)), and most recently affirmed this year by the state in a California Attorney General’s Opinion (No. 07-304, March 8, 2010).

The largest federally-recognized Tribe in California, the Yurok Tribe has over 5,500 members. A self-governance Tribe that promulgates and administers our own laws and programs, the Yurok Tribe established a formal government and Constitution in 1993. The Tribal citizenship is represented by a Tribal Council that consists of seven district representatives, a Vice-Chair, and a Chair. District representation is as follows:

- Weitchpec District: includes all ancestral lands located upriver of Coon Creek on the Klamath River. The ancestral villages included in this district are *Otsepor, Lo’olego, Weych-pues, Pekwututl, Ertlger, Wahsekw, Kenek, Tsetskwi, and Kenekpul.*
- Pecwan District: includes all ancestral lands downriver, including Coon Creek on the Klamath River from the Weitchpec District to and including Blue Creek on the north side of the river and Ah Pah Creek and its drainage area on the south side of the river. The ancestral villages included in this district are *Merip, Wa’asel, Ke’p-el, Murekw, Himetl, Kohtskuls, Keihkes, Meta, Sregon, Yohter, Pekwan, Kolotep, Wohtek, Wohkero, Serper, Ayotl, Nagetl, and Erner.*
- Requa District: includes ancestral lands located downriver on the Klamath River from the Pecwan District and north of the center line of the Klamath River. The ancestral villages included in this district are *Tlemekwetl, Stawen, Sa’aitl, Ho’pau, Omenok, Amenok, Tmeri, Rekwoi and Omen.*
- Orick District: includes all ancestral lands located downriver on the Klamath River from the Pecwan District and south of the center line of the Klamath River. The ancestral villages included in this district are *Turip, Wohkel, Otwego, Wetlkwau, Osegen, Espau, Sikwets, Orek, Keihkem, Ma’ats, Opuyweg, Tsurau, Sumeg and Metskwo.*
- North District: includes all land north of the ancestral lands, east of the Pacific Ocean, west of a north-south line passing through Chimney Rock and within 60 miles of the ancestral lands.
- East District: includes all land east of the ancestral lands, east of a north-south line passing through Chimney Rock, east of the generally north-south mountain ridge passing through Schoolhouse Peak, and within 60 miles of the ancestral lands.
- South District: includes all land south of the ancestral lands, east of the Pacific



Ocean, west of the generally north-south mountain ridge passing through Schoolhouse Peak, and within 60 miles of the ancestral lands.

Traditional Yurok law is woven into our Constitution, which mandates the Council to “[p]reserve forever the survival of our tribe and protect it from the forces which may threaten its existence; uphold and protect our tribal sovereignty which has existed from time immemorial and which remains undiminished; reclaim the tribal land base...; preserve and promote our culture, language, and religious beliefs and practices, and pass them on to our children, our grandchildren, and to their children and grandchildren on, forever; provide for the health, education, economy, and social wellbeing of our members and future members; restore, enhance, and manage the tribal fishery, tribal water rights, tribal forests, and all other natural resources; and insure peace, harmony, and protection of individual human rights among our members and among others who may come within the jurisdiction of our tribal government” (Yurok Tribe 1993). It is the duty and responsibility of the Tribal Council, government, and staff to uphold the Tribal Constitution, as well as traditional Yurok law.

### **Yurok Coastal Resources**

The marine, coastal, estuarine, and lagoon ecosystems of interest provide an abundance of resources that are relied on for subsistence, health, ceremonial, spiritual, medicinal, bartering, tools, and other customary purposes. All of these resources are Tribal trust species and it is the responsibility of the federal government, as the trustee for the Tribe, to protect and ensure the provision of these Tribal trust species in amounts sufficient for the Tribe. These species fall under the auspices of federal protection in that the federal government is obligated to fulfill commitments and responsibilities to Indian tribes as extended to tribal resources.

From a young age, Yurok are taught the interrelationships between species, their lifecycles, the seasons for harvest, proper harvest practices, and how to properly respect that which has been provided. There is an understanding of certain habitats and substrata evident in language associated with the cultural landscape. This is evident in the meaning of *pekw-tehl*, “piled up rocks” relating to a sea-stack that got this name because the strata was broken up in more or less flat masses. Another example is *e’n:lumn’w*, meaning “slanting,” because this is a point where the slanting strata run out into the ocean. Places may also be named because of the abundance of a certain resource. This includes *o-riokwi’ts*, meaning “where he angles,” referring to a place plentiful in perch (Waterman 1920).

In order to more completely document our coastal resources, the Tribe conducted over 35 interviews, primarily with elders, from 2004-2009 to document coastal resource use, including associated locations, uses, associated taboos and/or laws, harvesting techniques, processing, and other cultural information specific to Yurok coastal resources (Sloan and McConnell 2004-2006, 2007-2009). The information obtained was georeferenced and documented Yurok uses along the *entire* coast and offshore waters of Ancestral Territory and to some extent, in adjacent lands. From those interviews, over



130 various species and/or subspecies were identified relating to marine, coastal, estuarine, and lagoon ecosystems, as being utilized for various purposes by citizens of the Yurok Tribe. The following is a list of common names for some of those species found in these ecosystems to provide examples of species. This list should no way be deemed exhaustive, only illustrative:

|                     |                       |                        |
|---------------------|-----------------------|------------------------|
| Abalone (several)   | Crab (several)        | Rockfish (several)     |
| Barnacle, (several) | Crawfish              | Salmon, Chinook        |
| Barnacle, acorn     | Dentilium             | Salmon, Coho           |
| Barnacle, giant     | Duck (several)        | Sea anemones (several) |
| Barnacle, gooseneck | Eel, California moray | Sea cucumber           |
| Black turban snails | Eel (Pacific lamprey) | Sea lion, California   |
| Blue heron          | Eelgrass              | Sea lion, Stellar      |
| Boccaccio           | Flounder, starry      | Sea Palm               |
| Bullhead            | Greenling (several)   | Sea urchin (several)   |
| Cabazon             | Halibut               | Seal, harbor           |
| Candlefish          | Kelp, Bull            | Seaweed (several)      |
| China hats          | Kelp, Giant           | Shrimp (several)       |
| Chiton (several)    | Limpet (several)      | Steelhead              |
| Clam, butter        | Lingcod               | Sturgeon, green        |
| Clam, freshwater    | Mussel, California    | Sturgeon, white        |
| Clam, Geoduck       | Mussel, freshwater    | sucker fish            |
| Clam, horseneck     | Night fish            | Surf fish              |
| Clam, littleneck    | Octopus (several)     | Surfperch (several)    |
| Clam, quohog        | Olivella              | Trout, cutthroat       |
| Clam, razor         | Oyster                | Turtle (several)       |
| Clam, softshell     | Perch                 | Whale, grey            |
| Clam, Washington    | Periwinkle            | Wolf eel               |

Many of these resources are taken as subsistence foods and provide for the health and wellbeing of our people. Subsistence may be thought of those resources that are relied on as primary and/or secondary foods. The amount taken is accounted for by the need, family members, preservation capabilities, level of effort, and for shore-based extraction, the amount one is capable of packing. As an anonymous Yurok citizen accounted in 2007, *“I think moderation, of course, is the key for everything in our lives. I mean, you never want to have too much of anything. You know, in gathering, you gather just what you need, in moderation. You can’t gather more than what you use – only what you need to get the job done”* (Jarvis and Gates 2007). The importance of moderation and related cultural laws enforced through story, specifically of ocean fish, is highlighted in a story about the crow.

*In the beginning when there were no people, trees or animals or birds on the earth, there were nothing but spirits. Wah-peck-oo-May-aw (the Great Spirit) was surrounded with spirits. When the proper time had arrived, Wah-peck-oo-May-ow, decided the world must be populated with humans, birds, animals, fish, trees and all things that eventually came to be. He called the spirits together, and there were many, even more than when the*



*stars, and he told them that the time had arrived when the world must take on its burdens and fulfill its purpose. Each spirit would be permitted to choose what it wanted to be after Wah-peck-oo-May-ow had described the various elements and duties. Some wanted to be people, some wanted to be trees.*

*One spirit wanted to be the most beautiful bird in the world, to be a crow with a beautiful red crest, red shoulders on his wings, a large red spot at the base of its tail, and red legs. Wah-peck-oo-maw said to this spirit, "You will have to stand the test before you can be such a bird. Every spirit must stand a rigid test to prove that he is worthy to take on the life and appearance of that which he chooses to be. You must therefore fly to the ocean with your eyes shut, alight in the shallow water which is left after the waves have started to recede. You must then wade up to your knees, or even a bit deeper, and then come back to me without having opened your eyes, and I will judge your worthiness."*

*Crow flew away to the ocean and waded into the depth of his knees. He felt something bumping his legs and became curious, He opened his eyes and looked down and saw small fish trying to eat the short feathers which grew just above his knees. He had been flying for one moon with his eyes shut, and he was very hungry. Crow decided he would eat just one little fish. He was sure nobody would know. And anyway, he thought, Wah-Peck-oo-May-ow could not be so unjust as to penalize him for that. The little fish tasted so good that he ate another, and another, and another, until he was filled. The Crow heard a rushing noise as a heavy wind on the shore, and turning around beheld Wah-Peck-oo-May-ow watching him.*

*Crow waded ashore and confessed to Wah-Peck-oo-May-ow, declaring his penitence. Wah-Peck-oo-May-ow however, said "you have not obeyed me and are not worthy of your request, so you may be a crow but you cannot have any red feathers, nor red legs, and all the crows who will come into this world will forever be jet black from the tips of their beaks even to the ends of their claws." So it is that one never sees a crow with any other color than black. (Warburton and Endert, 1966).*

This respect for moderate harvest and take, not just for us, but for the Tribal people up the river as well, is recognized in the building of the fish weir, as well as the First Salmon Ceremony. The First Salmon Ceremony commenced with the taking of the first fish at the village of *Wetlkwau* at the river mouth. After this had taken place, no one could gather any more except for immediate consumption until word traveled back that the fish had made it all the way up to the headwaters of the Klamath. Once we knew that those upriver villages and Tribes had fish, then we could gather for winter storage. This ensures that not only our neighbors and other animals have sustenance, but also ensures there is a healthy and significant population of fish returning to the river and



successfully spawning.

There are many Yurok families that reside inland along the Klamath River or more remote distances that come to the coast seasonally to harvest. There are also Yuroks and people of other Tribes from great distances that trade with those Yurok residing on the coast for a variety of resources. Even when resources are used for bartering, moderate take that is supportive of healthy habitats and sustainability are reinforced attributes both traditionally and contemporarily. Yurok coastal trade goods may include *key-ges* (dried surfish), *key'ween* (eels), *pee'ee* (mussels), *lep-kwoh* (dried seaweed), and *ney-puy* (salmon) for example. This traditional right to barter in regards to in-river salmon specifically has been formally acknowledged for us both by the federal and state government.

This federally-reserved in-river subsistence and commercial allocation to the fishery is codified in the California Fish and Game Code (16530-16532). Since 1994, the Yurok Tribe has assumed responsibility for the management of its fisheries from the Bureau of Indian Affairs and the U.S. Fish and Wildlife Service. With harvest, management, and regulation guidance from the Tribe's Fisheries Program and a Natural Resources Committee, the Yurok Tribal Council manages both the commercial and subsistence in-river fisheries. The commercial fisheries provides limited income to participating Tribal citizens and the Council ensures through allocation, an adequate amount of fish for subsistence use, particularly for elders, before determining the commercial allocation. Management is conservative and consistent with the prospective density of the runs, as the primary concern is the health and sustainability in the populations, which in some years has meant the Tribe withheld from allowing any commercial take.

Other uses for these resources are not consumptive, but are extractive. Although rare to this locale and more often obtained through trade from the north, an example includes the use of *terk-term* (dentilium) as traditional money, which can settle debts, pay a dowry, and purchase items. *Terk-term* is also used most commonly today on necklaces worn in traditional ceremonies, such as *u pyuwes* (White Deerskin Dance), *woo-neek-we-ley-goo* (Jump Dance) and *mey-lee* (Brush Dance). Other similar examples include various shells, such as *Olivella*, also used in ceremonial regalia along the coast and river, even among neighboring Tribes.

There are also a variety of non-consumptive uses of these ecosystems and associated resources, many of which are conducted in a spiritual, ceremonial, and/or cultural context. Examples include the use of a particular place for ceremony and prayer, the viewshed from a place for spiritual use, areas for spiritual training, and places related to traditional stories and songs. The intrinsic value and connection to the ocean for us is something that can never be replaced. As Yurok Councilmember, Dale Ann Frye Sherman states, "*When we have an ache in our hearts, it can't be consoled or healed in any other way or in any other place than if you go to the beach*" (Sherman, pers. corr. 2010). Not only access to these places, but also the health of the areas in an unpolluted state is of necessity. Furthermore, any interaction and take from these environments



must be recognized in a spiritual context. Regardless of the purpose(s) of interacting with *peesh-kahl*, each activity and/or use is fundamental to our cultural identity and our spiritual well-being. As such, all customary uses and ceremonial, religious, and spiritual places must be protected under applicable federal, tribal, state, and/or local law.

### **Methods of Take**

When we take, it is done with respect and reverence to the Creator and the spirit of the animal being. There is a prayer of thanks and in that is an inherent understanding that the being taken is providing its life for us, but also a recognition that its spirit lives on and in many cases is reborn. As Robert McConnell, Sr., Yurok Tribal citizen and ceremonial dance leader recognizes, "*When you take an abalone there is a prayer of thanks. In that is an inherent understanding that abalone will provide life as sustenance, but also will take on a new life, in the regalia. It is still alive*" (McConnell, Sr. pers. corr. 2010).

Taken with prayer, marine and coastal resources are collected from shore and, traditionally, using ocean canoes made of redwood. These ocean canoes were primarily used to travel up and down the coast and to offshore rocks, such as *skey-kwo-na* (Redding Rock) so that resources may be harvested and/or other customary uses may occur. For example, ocean canoes were used to hunt sea lions and collect mussels at certain offshore rocks. Today there are few ocean canoes possessed by the Yurok Tribe and citizens rely on modern boats for ocean harvesting. Nonetheless, the knowledge of canoe building is retained by several Yurok and there are many river canoes used today for ceremonial, transportation, barter, dowry, and fishing purposes. Estuarine and lagoon resources are collected by boat or shore. Both ocean and river canoes are traditionally used in the Klamath, Little River, and Redwood Creek estuaries, although modern boats are primarily utilized today. A few examples of shore-based harvest methods may include gathering in the intertidal zone, harvesting beached whales, setting a basket, using a dip net, throw net, A-frame net, gill net, hook, spear, harpoon, seines, and angling.

### **Yurok Fish Wars of the Klamath River**

As discussed, this continued connection and use of traditional resources for a variety of purposes since time immemorial provides for the cultural identity and lifeway for us as Yurok. Despite threats to our existence, including those stemming from federal and state policies, we have continued to be a strong and resilient people that will continue to protect the lands and ways of our ancestors. Nowhere is this more evident, perhaps, than in historic attempts by the State of California, and the Department of Fish and Game specifically, to regulate Tribal fishing on the Klamath River.

The attempted suppression and regulation of Yurok Tribal fishing on the Klamath River by the State of California began in 1934. During this time, Klamath River Indians were banned from commercial fishing and gill netting, however, Yurok continued to fish, despite the threat of being arrested and jailed. This desire by the state to assert jurisdiction over Yurok riverine and estuarine fishing in the Klamath River, coupled with



the continued contention by Yurok fishermen that the state was without such authority and the total refusal to halt a traditional Yurok activity, lead to several judicial findings, which affirmed the lack of State authority to regulate these activities (see *Elser v. Gill Net Number One* (1966); *Mattz v. Arnett* (1973); *Arnett v. Five Gill Nets* (1975)).

The substance of these cases culminated in 1978 when the U.S. Fish and Wildlife Service implemented a moratorium on commercial gill net fishing on the Klamath River, which incited what is commonly referred to as the “Fish Wars.” Local and federal police came in force with full riot gear to attempt to halt traditional Yurok fishing, but we would not cease practicing our culture and providing for our families. Once it was realized that the expense and personnel costs for enforcement were unsustainable and that Yuroks were not going to stop fishing, a different approach was taken out of necessity. This approach has been codified in California Fish and Game Code 16500:

The Legislature finds:

- (a) Jurisdiction over the protection and development of natural resources, especially the fish resource, is of great importance to both the State of California and California Indian tribes.
- (b) To California Indian tribes, control over their minerals, lands, water, wildlife, and other resources within Indian country is crucial to their economic self-sufficiency and the preservation of their heritage. On the other hand, the State of California is concerned about protecting and developing its resources; protecting, restoring, and developing its commercial and recreational salmon fisheries; ensuring public access to its waterways; and protecting the environment within its borders.
- (c) More than any other issue confronting the State of California and California Indian tribes, the regulation of natural resources, especially fish, transcends political boundaries.
- (d) In many cases, the State of California and California Indian tribes have differed in their respective views of the nature and extent of state versus tribal jurisdiction in areas where Indians have historically fished. Despite these frequent and often bitter disputes, both the state and the tribes seek, as their mutual goal, the protection and preservation of the fish resource. This division is an attempt to provide a legal mechanism, other than protracted and expensive litigation over unresolved legal issues, for achieving that mutual goal on the Klamath River.

A similar approach and recognition should be sought in the MLPA to avoid unsustainable enforcement and jurisdictional conflict as the similarities between what occurred on the Klamath River and what is being attempted in the MLPA are apparent. Rather, it should be acknowledged that both the state and tribes seeks a mutual goal of protecting the resource and focus on how the resources may be co-managed to meet this goal, while preserving Yurok culture and avoiding a confrontation based on cultural survival and dual exertion of jurisdiction.



### **Yurok Tribe Natural Resources Management Capacity**

The Yurok Tribe takes an active role in restoration, management, monitoring, and enforcement for the protection of cultural and natural resources within the entire Klamath Basin watershed, with an emphasis on Ancestral Territory. The significant scientific and management contribution and capacity of the Yurok Tribe is recognized by Tribes throughout the nation, the Department of the Interior, California state agencies, and local counties and non-profits. This recognition by the Department of the Interior is memorialized in a recent agreement with the Tribe in the areas of science, data collection, research, and analysis of the Klamath River and watershed in order to inform policy.

The capacity of the Yurok Tribe includes several robust natural and cultural resources programs with over 80 personnel in these fields alone. This includes Fisheries, Forestry, Environmental, Watershed Restoration, Water Quality, Pollution Prevention, Community & Ecosystems, Wildlife, Cultural Resources Protection, Heritage Preservation, Repatriation, Geographic Information Systems (GIS), Land Management Programs and/or Departments.

A specific example of this type of work conducted by the Tribe is from the Water Division of the Environmental Program, which monitors water quality, including discharge, turbidity, conductivity, and temperature in the lower Klamath River Watershed on a continual basis. This Division collects data at over 20 stations located in the Lower Klamath Watershed, including the mainstem, tributaries, estuary, and at the river mouth. The objectives for this long term monitoring project are to establish baseline conditions, assess long-term trends, to provide flow regimes as related to fisheries, and to monitor long term restoration projects. U.S. Environmental Protection Agency recognizes permit certification authority under the Clean Water Act to the Yurok Tribe for projects occurring within the Yurok Reservation. Furthermore, the Water Division is a leader in the Klamath Basin for sampling and reporting on the presence of *Microcystis aeruginosa*, a toxic blue green algae that has unknown impacts to animal species. The presence and levels of this algal toxin, as well as a host of other chemical toxins of concern identified in Yurok riverine and coastal species of interest is currently under study.

Another example is the restoration work of the Fisheries and Watershed Restoration Programs, which conduct large and small scale riparian and stream habitat restoration projects, including invasive plant species removal, in the lower tributaries of the Klamath River. These projects seek to restore lands within Ancestral Territory that have been severely impacted by private timber companies and other resource extraction activities. Assuming a stewardship role within Ancestral Territory, these Tribal departments work collaboratively on contract by agencies, such as Redwood National and State Parks, as well as Green Diamond Resource Company, a large private timber company. The purpose of these restoration projects are to increase channel and bank stability, increase sediment storage capacity, reduce sediment delivery, improve salmonid



spawning and rearing, increase habitat complexity, and improve spawning gravel quality (Yurok Tribe 2009) in an effort to restore fisheries populations of the Klamath Basin.

The Tribe is very active in cultural resources protection throughout Ancestral Territory and collaborates with federal, state, local, non-profit, and community organizations in order to protect these cultural places and resources. We were the first Tribe in California to have a Tribal Historic Preservation Officer, under the National Historic Preservation Act and have a very active repatriation program under the Native American Graves Protection and Repatriation Act. We are also the only Tribe to maintain a State Informational Center, which houses all cultural survey and report information for Humboldt and Del Norte Counties, on behalf of the State Office of Historic Preservation. Additionally, we have enacted our own ordinance, policies, procedures, and management strategies in order to proactively protect cultural resources throughout Ancestral Territory.

The Tribe has the regulatory and enforcement abilities to self-regulate. Enforcement of natural and cultural resources laws and/or values is provided by the Tribe's Public Safety Department. Officers are cross-deputized with both Humboldt and Del Norte Counties, as well as enforce the in-river fisheries. The Yurok Public Safety Department operates in accordance with established Department Policies and Procedures, appropriate Tribal Ordinances, applicable Federal Law, applicable Judicial Case Law, and applicable California Law. Additionally, the Yurok Tribe has an established Tribal Court that can hear various criminal, civil, and regulatory issues.

### **Socioeconomics**

The Tribe and associated entities provide a wide variety of services to the community and employs over 300 people in Humboldt and Del Norte Counties. Although the Yurok Tribe is able to provide services and some employment, the income levels on the Reservation are staggering. In the 2000 U.S. Census, the per capita income for the portion of the Reservation in Del Norte County was \$13,707 and for Humboldt County was \$6,894. Similarly, unemployment levels are alarming as the unemployment rate for the entire Reservation is 75% (Bureau of Indian Affairs 2001). More recent data (Yurok Tribe 2006), suggest that 80% Tribal Members living within Ancestral Territory lack food security, as defined by Harrison *et al.* (2002). Thus, the need for traditional sustenance is required not only for cultural survival, but also critical for use as primary and secondary food sources.

### **Conclusion**

The Yurok Tribe maintains an inherent responsibility to continue to manage and rely on these resources, as well as the management ability to do so. Continuous use and management of these places since time immemorial has allowed for an unbroken connection that may not be restricted in any way. The position of the Tribe is clearly articulated in Tribal Resolution, which states, "The Yurok Tribe has never ceded our traditional rights to access, fish, harvest, gather, enjoy, and steward the coastal and marine plant and animal communities, or the right to access and conduct subsistence,



ceremonial and other cultural uses within the lands and waters of the United States of America and States within.” Moreover, “the Yurok Tribe utilizes and stewards coastal and marine areas and resources within Ancestral Lands in a sustainable manner and has done so since time immemorial...The inalienable aboriginal rights of Yurok People to access and use traditional coastal and marine areas predate and supercede all state and local laws and constitute a vital component of our ancestral and cultural inheritance...[T]he Yurok Tribe is aware of and supports the need to protect and restore marine and coastal plant and animal communities...The Yurok Tribe maintains a federally-reserved fishing right and the United States of America maintains a trust responsibility to protect our rights, including the right to take fish...Implementation of the MLPA, particularly no-take areas, poses an imminent threat to the cultural and religious freedom, the health and wellbeing, and the cultural identity of Yurok Tribal members who require access to and use of coastal and marine areas to harvest, gather, enjoy, and otherwise use these areas for the preservation and continuation of our traditional ways of living...”As such, “The Yurok Tribe does hereby support the recognition of the primacy of tribal subsistence, ceremonial, and cultural uses and rights of the Yurok Tribe and members. This body supports the amendment of the MLPA and/or its guiding document to ensure that Tribal aboriginal rights and traditional cultural ways, as well as federally-reserved fishing rights and the federal trust responsibilities are recognized and protected.”



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