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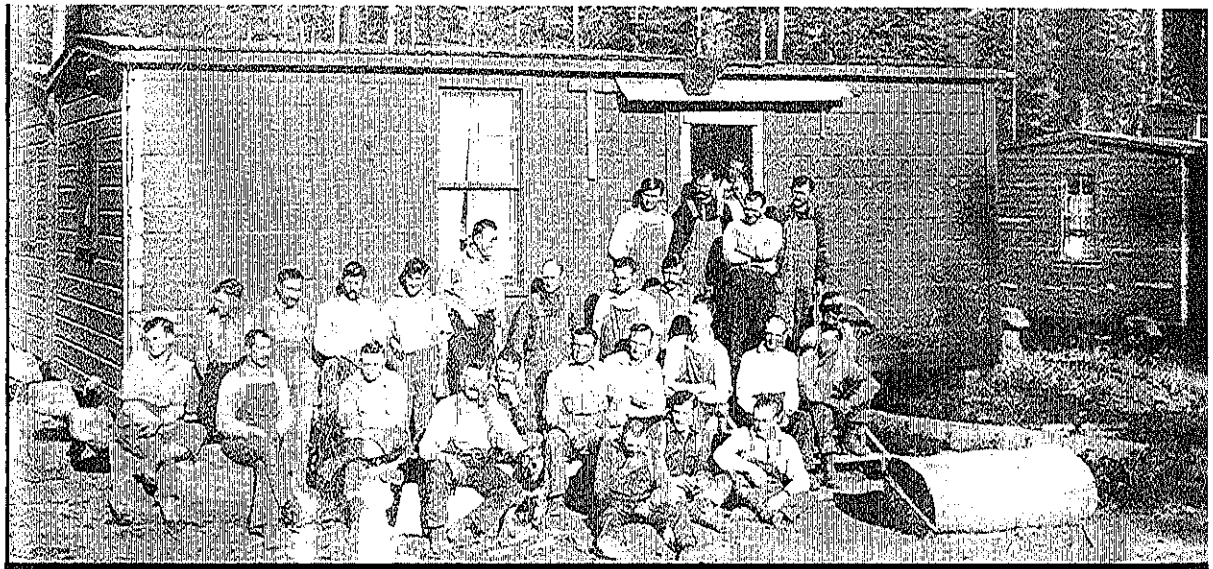

Oregon Historical Quarterly

SPECIAL ISSUE

Oregon Migrations

guest editors
Robert Bussel and Daniel J. Tichenor


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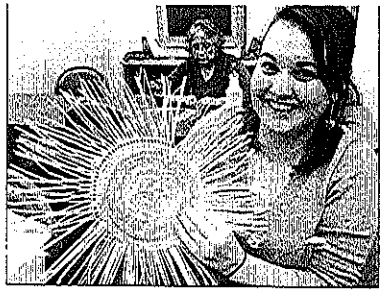
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Tribes of the Oregon Country

Cultural Plant Harvests and Indigenous Relationships with Ancestral Lands in the Twenty-first Century

REBECCA DOBKINS, SUSAN STEVENS HUMMEL, CEARA LEWIS, GRACE POCHIS, AND EMILY DICKEY

FROM TIME IMMEMORIAL, Indigenous peoples have been living on the land now known as Oregon. Given this special issue's theme of Oregon Migrations, it is important to acknowledge that, according to Indigenous oral traditions, the first peoples were created and placed on the lands and waters the Creator provided for them. Thinking in archaeological terms, there is evidence of human presence in Oregon going back to this time beyond memory, at least 12,000 to 14,500 years ago.[1] Over millennia, the first peoples who made this place home developed deep relationships with the land and its resources. Today, the languages, beliefs, and lifeways of Oregon tribal people still embody those relationships. Despite centuries of dispossession, tribal people persist in maintaining connections and relationships with land that they protect through the exercise of sovereignty and the assertion of treaty rights.

History for Oregon Tribes and for all people who now call Oregon home is inseparable from the region's lands and waters where later waves of migration have occurred.[2] Tribes have ongoing legal, ecological, and cultural relationships with their ancestral lands even when they have been forcibly removed from them. These relationships between lands and tribal peoples underlie all the other migration stories.

Today, the governments of the nine federally recognized Tribes in Oregon — the Burns Paiute Tribe; the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians; the Coquille Indian Tribe; the Cow Creek Band

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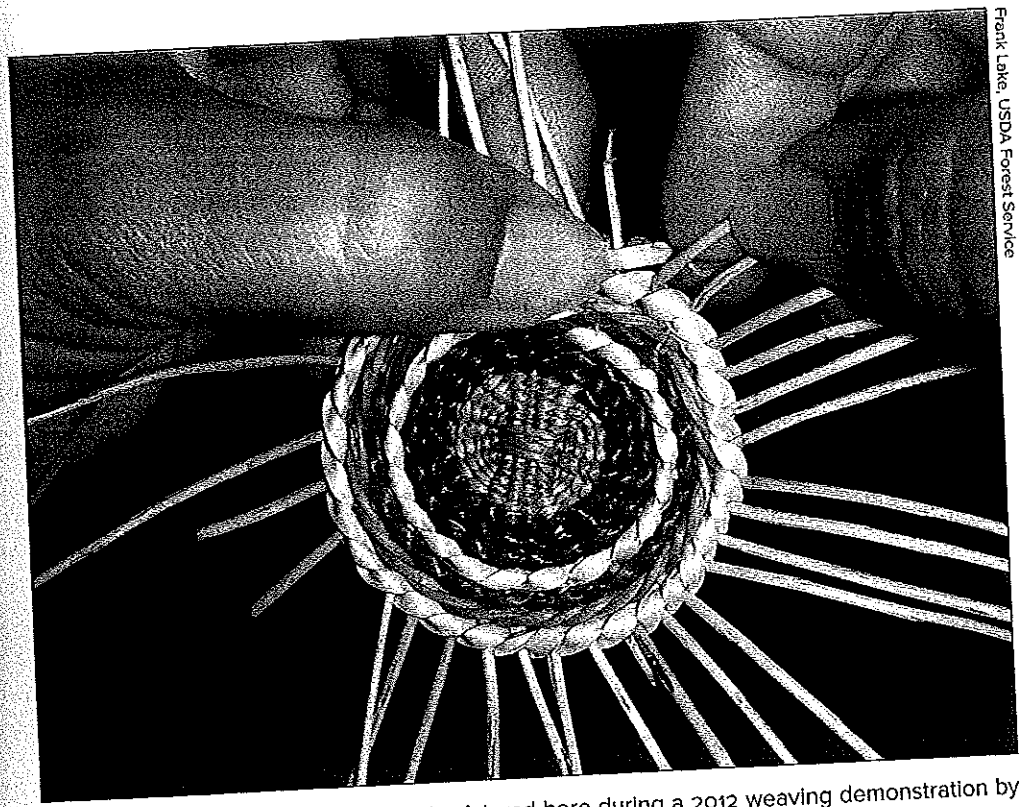


Frank Lake, USDA Forest Service

THE START OF A TWINED basket is pictured here during a 2012 weaving demonstration by Deanna Marshall, a Karuk tribal member. Federal agencies, such as the USDA Forest Service, have a responsibility to protect tribal rights to harvest resources for traditional uses, including basket making.

of Umpqua Indians; the Confederated Tribes of Grand Ronde; the Klamath Tribes; the Confederated Tribes of Siletz Indians; the Confederated Tribes of Warm Springs; and the Confederated Tribes of the Umatilla Indian Reservation — represent the descendants of dozens of bands and communities that had and have knowledge about, and relationships with, every dimension of the state's lands, waters, flora, and fauna. There is a complex history behind the formation of each present-day reservation community, and each Tribe has its own legal-political framework and specific relationships with the multiple state and federal agencies that now have jurisdiction over its off-reservation ancestral lands. This legal and political complexity is characteristic of federal-tribal relations across what was once the Oregon Country (which extended across modern day Oregon, Washington, Idaho, and parts of Montana, Wyoming, and British Columbia).

Courtesy of Alfred "Bud" Lane III, NNABA President

AT THE GENERAL SESSION of their 2013 Annual Gathering, hosted by the Nez Perce Tribe, members of the Northwest Native American Basketweavers Association preserve and promote the traditional art of basketry.

This article discusses our research regarding one context in which these long-standing relationships occur today, namely, when tribal people seek to harvest plants from ancestral lands now held by the U.S. Department of Agriculture (USDA) Forest Service. Underlying the research is our premise that knowledge of historical relationships among American Indians, land, and natural-resource harvests is vital to upholding the federal trust responsibility to Tribes. This responsibility is understood by the U.S. Supreme Court to be a legal obligation under which the United States "has charged itself with moral obligations of the highest responsibility and trust" toward Native American Tribes (*Seminole Nation vs. United States*, 1842). This trust includes protecting reserved rights to gather on lands now under federal jurisdiction — rights that have been affirmed by the Supreme Court and a responsibility repeatedly acknowledged by the USDA Forest Service — including through the creation of an Office of Tribal Relations within the agency in 2004.[3]

The right to gather on ceded lands — those lands transferred from American Indian Tribes to the United States by treaty in exchange for the reservation of specific land and resource rights and other promises — was guaranteed explicitly in many treaties between Tribes and the U.S. federal government. In instances when this right was not explicitly reserved in treaties, these rights are understood to exist, unless abrogated by Tribes. The legal complexities of tribal harvesting rights are beyond the scope of our research and this article, but we emphasize that the federal government and its agencies, including the USDA Forest Service, have a trust responsibility to Tribes that includes protecting reserved rights to gather. Barriers

to traditional plant harvesting therefore potentially infringe on the exercise of those rights.[4] Today, tribal members who wish to harvest forest plants for traditional use report difficulties in accessing off-reservation lands that harbor those resources.[5] This article reports on an ongoing effort to document those barriers to access and to understand how they are experienced by members of the Northwest Native American Basketweavers Association (NNABA), a non-profit organization that works to promote and preserve traditional weaving associated with many Tribes from the greater Northwest, including in Oregon, Idaho, and Washington.

The history of Oregon gives both the context for our ongoing research and a reason for its importance. In the nineteenth century, violent clashes between Indigenous people and settler-colonists led to federal administrative control over Native populations and their ancestral land holdings through treaty negotiations and other means. During the 1950s, the federal government, using the termination policy, severed legal relationships with many Oregon Tribes and bands. During the late twentieth and early twenty-first centuries, Oregon Tribes have worked to overcome these historical legacies and rebuild their social, economic, and environmental resources. The exercise of gathering rights is an important means through which Oregon Tribes maintain relationships with ancestral lands from which they were dispossessed. By maintaining these relationships, Tribes not only partially address the history of colonization but also increase the likelihood for meaningful input into the stewardship of these lands, which affects all residents, including the newcomers of the last two hundred years.[6]

THE INITIAL RESEARCH QUESTION

American Indians harvest and use resources from forest and rangeland habitats for the sustenance of Native culture, including tribal economies, arts, and ceremonies. Policies affecting these habitats therefore impact *natural resources* as well as the *cultural practices* to which they are inextricably tied. Within this context, a USDA Forest Service scientist at the Pacific Northwest Research Station in Portland, Susan Hummel, began research on one plant, beargrass (*Xerophyllum tenax*), which is harvested for use in tribal basketry throughout its range, but especially in the Pacific Coast states of California, Oregon, and Washington. The choice of beargrass originated in Hummel's observation of plant growth in a forest burned by wildfire. As Hummel left that wildfire area, she encountered a forester employed by the Yakama Nation who saw her holding some beargrass; he commented that Yakama weavers prized leaves from beargrass plants that re-grow on burned sites.

What Hummel experienced that day sparked her curiosity about what was known about the ecological and cultural roles of beargrass and its status as

Georgia Fredeluces

BEARGRASS (X. TENAX) is pictured here in bloom on Mount Hood National Forest. Pollinators of its flowers include bees, flies, and beetles, but beargrass can also reproduce vegetatively. USDA Forest Service scientists began a research program in 2010 to document the cultural and natural history of the plant, which is preferred by Native groups for traditional basketweaving.

a threatened or endangered plant. She asked: What environmental conditions supported beargrass regeneration and growth? What pollinates the plant? What is the geographic range of the plant? Who harvests the plant and what properties do they desire for what end use? The first product was a summary of the natural and cultural history of beargrass, as synthesized from peer-reviewed literature.[7] Concurrently, Hummel was invited by a colleague at the USDA Forest Service, Susan Charnley, to contribute information about beargrass ecology to a book chapter on biocultural diversity.[8] The authors asserted that conserving biological diversity not only prevents species extinction but also preserves a species' diversity of roles, whether ecological or social. In combination, the two synthetic research products documented that the cultural roles of beargrass (for example, in Native American basketry) appeared to be more threatened than its ecological roles (for example, as food or pollen). They also determined that the scientific literature lacked

documentation regarding the relationship between site conditions and plant properties deemed desirable by tribal harvesters. Hummel used these findings to recruit another USDA Forest Service colleague, Frank Lake (Karuk Tribe), to participate in the design, funding proposal, and implementation of an original, field-based study to identify forest conditions associated with beargrass-leaf properties that basket weavers desired. Voluntary participation of expert tribal weavers from different Tribes and weaving traditions was a key part of this field study.

Basketry traditions have long been central to tribal cultural practices in Oregon and other Pacific Coast states. All the volunteer weavers in the field study used beargrass as decorative wrapped overlay material in their baskets, and each weaver therefore knew the type of leaves they sought for harvesting. The weavers were not asked to divulge their knowledge but, rather, to accompany USDA Forest Service staff to various field locations, where they rated each site's conditions for harvesting beargrass. Staff collected data during field visits to seventy-two sites that covered a range of conditions (such as elevation and forest type) in California, Oregon, and Washington. At each site, an experienced weaver was present to identify a class (good, marginal, or poor) that she or he felt described the forest conditions in terms of beargrass harvest. Afterward, the scientists made measurements of overstory trees and understory beargrass plants, which allowed them to analyze the results using both statistical tests and descriptive summaries to learn whether qualitative evaluations of ecological conditions for harvesting beargrass corresponded to quantitative differences among sites. They found evidence that it did.[9]

This comparison was important, because forests and environmental conditions that produce beargrass with desirable properties for weaving are needed by the USDA Forest Service to: (1) improve the abundance and quality of beargrass available to tribal weavers; (2) increase the likelihood that prescribed burns on public lands leverage limited agency funds by accomplishing multiple resource objectives on the same site; (3) help expert basket makers demonstrate desired forest conditions and beargrass properties to agency personnel, novice weavers, and the interested public; and (4) facilitate the teaching of novice basket makers by expert weavers about where, what, and how to harvest.

The study by Hummel and Lake demonstrated that traditional ecological knowledge and scientific methods can together yield useful information for sustaining culturally important plant populations. Specifically, the study's results imply that managing tree density can contribute to the understory conditions more conducive for the growth of the types of beargrass leaves preferred by tribal weavers. Moreover, forest structural elements preferred

by tribal weavers for beargrass harvest relate directly to those associated with a forester's ability to manage fire in similar places. The implications of the study are important for forest management, although it must be noted that the relatively small study size for the field study limits the scope of inference for the results. (More broadly generalizable results will require a larger sample of beargrass sites and more participants from a broader range of Tribes and weaving traditions).

While the study was in progress, Hummel and Lake presented preliminary results during a panel discussion at the 2012 NNABA annual gathering and invited feedback. Specifically, they wanted to know how weavers interpreted their information and whether anything important had been omitted. Weavers in the audience raised additional concerns about ability to harvest, including the difficulties they sometimes face in getting access to what are now public lands. The study had asked questions related to harvest conditions on the sites but not whether the sites were accessible to weavers.

Challenges encountered by Native Americans who seek access to federal land for the purpose of harvesting plants to be used in their traditional cultural practices are not well documented. Without such documentation, the U.S. government may not know whether current systems of access are functional and therefore is hampered in its ability to discharge its trust responsibilities to Native Americans. The topic of site access was carried forward into new research developed by Hummel in cooperation with Rebecca Dobkins at Willamette University (this research agreement was called "Access and Management Issues for Cultural Plant Harvests"). Dobkins had worked on exhibitions and public programs with weavers associated with NNABA since 1997, and she agreed to coordinate the new research, which was also funded by the USDA Forest Service Pacific Northwest Research Station. The objective was to document site access and resource harvest issues encountered by Native American traditional users of forest plants.

RESEARCH ON CULTURAL PLANT HARVEST BY TRIBAL WEAVERS ON FEDERAL LANDS

This project also began with a review of available literature but also included conversations with Native weavers in the Pacific Northwest. This research was not hypothesis-driven, but exploratory in nature. Both Hummel and Dobkins had already heard that weavers faced challenges in harvesting plants on federal land. The project provided structure for the conversations and their subsequent analysis.[10] The primary goal of this second research project, begun in 2013 and funded through a cooperative agreement between the USDA Forest Service Pacific Northwest Field Station and Willamette University, was to identify site access and harvest issues as experienced by

Greg Archuleta

CEARA LEWIS, a graduate of Willamette University's anthropology program in 2013 and an Aleut tribal member, attended four weaver gatherings and interviewed twenty-nine weavers to discuss access challenges when harvesting plants on federal land. She is pictured here participating in one of the weaving workshops.

tribal harvesters, document the impact of these issues, and identify possible strategies to ameliorate barriers.

Dobkins recruited Ceara Lewis, a 2013 anthropology graduate, an Aleut tribal member, and a then-novice weaver, to serve as field researcher. Other Willamette University (WU) students, including Emily Dickey (WU 2010) and, for this article, Grace Pochis (WU 2017), delved into the primary and secondary literature. Dobkins and Lewis began the project by consulting with Alfred "Bud" Lane III, President of the Board of NNABA and Siletz tribal vice-chair. Lane had volunteered for the original field-based beargrass study and was one of those calling for more attention to problems of access. The NNABA

Board became an essential partner in the project and encouraged its members to participate by granting interviews with Lewis. Contact with tribal weavers was made through the NNABA email list-serve and through Lewis's attendance and participation in weaving workshops sponsored by NNABA, the Hazel Pete Institute of Chehalis Basketry (Rochester, Washington), Northwest Indian College (Bellingham, Washington), and other weavers' organizations in 2013 and 2014. Lewis also participated as a student at the workshops, which facilitated her rapport with interviewees, and accompanied a group of Oregon and Washington tribal members to the Mount Hood National Forest to harvest cedar bark in 2014, to gain first-hand understanding of harvesting issues. All told, Lewis interviewed twenty-nine tribal members, affiliated with nearly twenty Northwest Tribes, including the Grand Ronde, Klamath, Siletz, and Warm Springs of Oregon.[11] Each interviewee spoke as an individual, not as an official representative of a tribal community, tribal government, or NNABA. Although each interviewee granted permission to have his or her name used in published research, the study authors chose to maximize confidentiality by not including any identifying information. More weavers participated in the research for this second project than the first, but the sample was self-selected and relatively small, thus limiting the scope of inference to that of a case study. Nevertheless, useful information emerged about the range of barriers identified by weavers, which we will explain toward the conclusion of this article. First, we turn to the background needed to understand why tribal members view access to ancestral lands now held by the federal government for the purposes of cultural plant harvest as so profoundly significant.

THE CONTEXT OF DEEP HISTORY

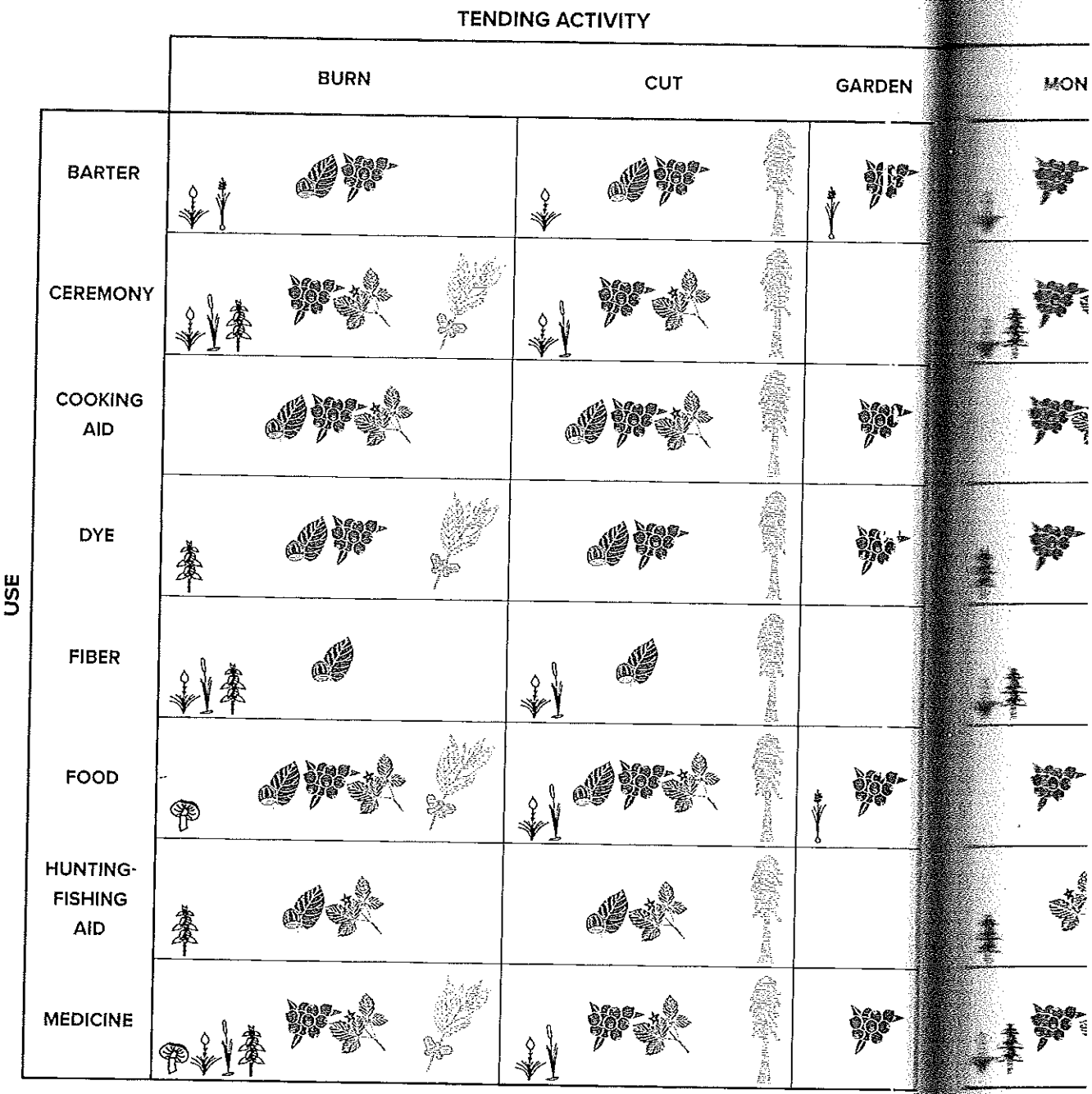
The deep timeframe of the Indigenous presence in Oregon is important to understanding the relevance of these contemporary studies, as it points to persistent themes of population movements, resource use, seasonal rounds, and subsistence cycles that included use of fire and the practice of "tending the wild," or actively intervening in the life histories of culturally useful plants and animals.[12] *Tending* means to apply oneself to the essential care of something, and the term conveys emotions that are absent from managing. Tending affects plants, but encompasses more than plants and connotes reciprocal seen and unseen effects. Tending activities vary in intensity and extent; for example, weeding is intensive, whereas burning is extensive. The effects on individual plants from tending — whether dividing roots, pruning branches, or removing bark — arise from the timing (season) and type (intensity) of actions, which are guided by the properties needed when harvesting for their intended use. Together, these activities alter landscape patterns and processes. Usufructary rights — the rights to continue to use lands to

hunt, fish, and gather renewable resources — are based in this precedent. For many thousands of years, Indigenous communities have organized their lives around subsistence systems that relied on their knowledge of the land and their free movement upon the land throughout the year to hunt, gather, fish, and cultivate the resources of the earth and waters.

Oregon Tribes use a profound phrase, *time immemorial*, to describe the chronological and spiritual depth of their relationship with land. When thinking in archaeological terms, the phrase also has resonance, because evidence of human occupation in the Americas stretches to a time well beyond memory and because new research continues to extend that date back. According to archaeologists, at least 13,500 years ago, and possibly some 1,400 years earlier, ancestors of modern Native Americans migrated from the East Asian continent to the Americas.[13] Ancestral Native Americans took multiple routes into the Americas, the earliest along the coast by watercraft and, later, by inland routes when glacial melt allowed.[14]

The earliest archaeological evidence of human occupation in what is now Oregon was found in the Northern Great Basin, a region once characterized by a vast system of interior lakes.[15] These early inhabitants left evidence of their daily lives — sewing threads, stone and bone tools, their own wastes, and debris pits — that date to between 13,000 and 14,500 years ago, in the famous Paisley Caves in south-central Oregon.[16] The peoples of the northern Great Basin adapted to a changing climate by moving seasonally to vary their resource use. Increasing precipitation in the coming millennia resulted in greater resource abundance, so communities continued seasonal rounds and developed food storage at winter settlements, particularly of seeds, roots, and rapidly renewing resources such as pronghorn, rabbits, and sage grouse.[17] This trajectory over thousands of years offers evidence of the depth of time that Indigenous peoples have been tending and harvesting renewable resources on the land.

This pattern of subsistence, based on seasonal rounds and associated knowledge of the land and its resources, was echoed in other parts of the region, with local variations. North of the Great Basin is the Columbia River and its drainage, rich with salmon, sturgeon, and steelhead runs. Human communities thrived in this interior waterway and its surrounding terrain, which were shaped by the cataclysmic Missoula Floods that carved the Columbia Plateau's channeled volcanic landscape over the course of several thousand years and ended about 14,500 years ago.[18] The cultures that came to live in the plateau, although dispersed over hundreds of miles, had similar lifeways centered on the abundant and dependable resources of the river. At summer villages along the Columbia River, people harvested, processed, and stored salmon and other foods; for the winter, many moved to sheltered camps away



THIS TABLE ILLUSTRATES tending activities applied to a few species of different life forms (fungi, herbs, shrubs, and trees) in the maritime forests of northwestern North America. Some plants and fungi are tended by harvesting, burning, weeding, and transplanting activities that alter desired properties, such as the abundance of their fiber and fruit, and are then utilized for personal uses and for trade. The life history stage of some tended plants (e.g. flowering) a practice of harvest activities

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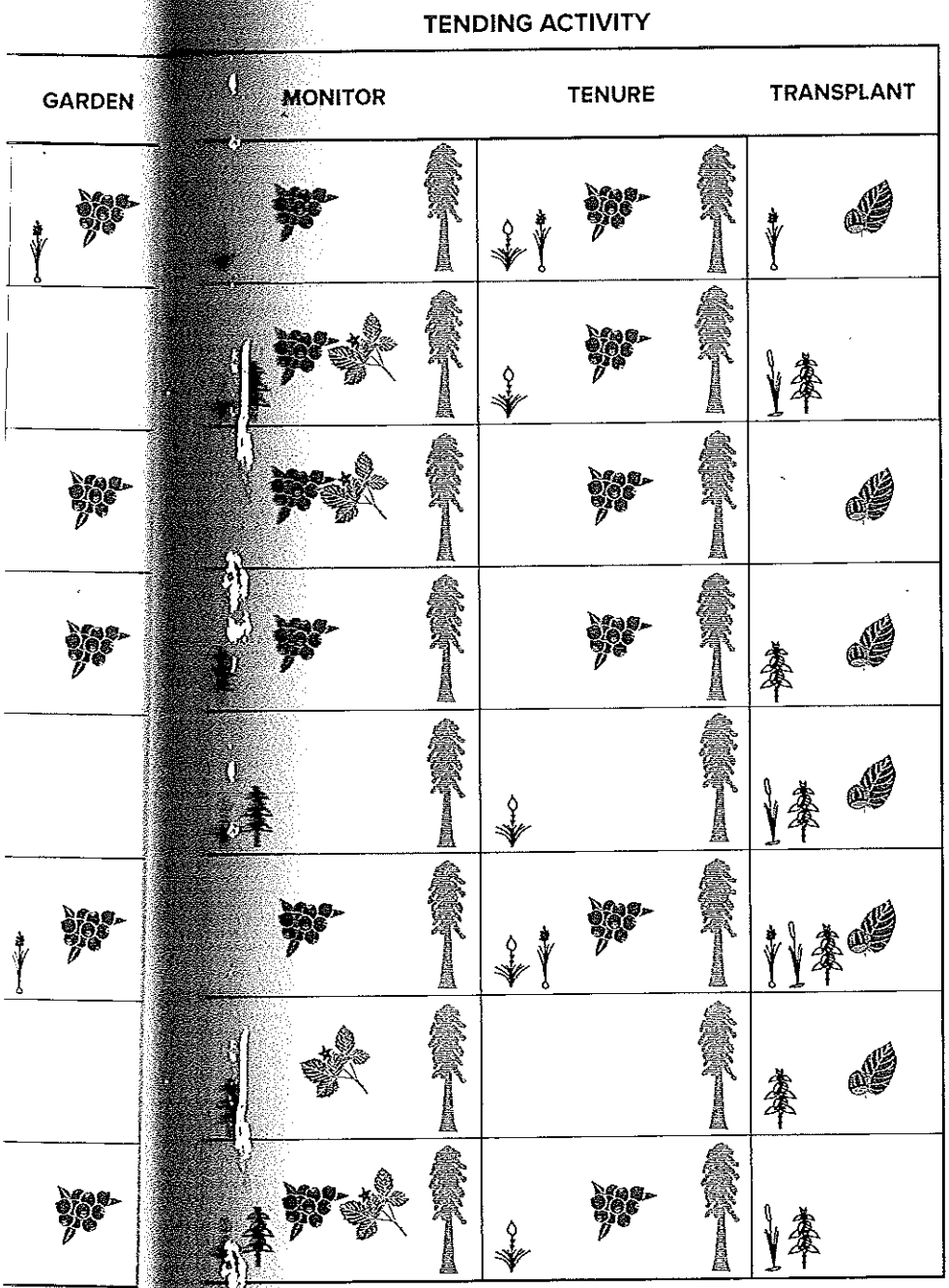
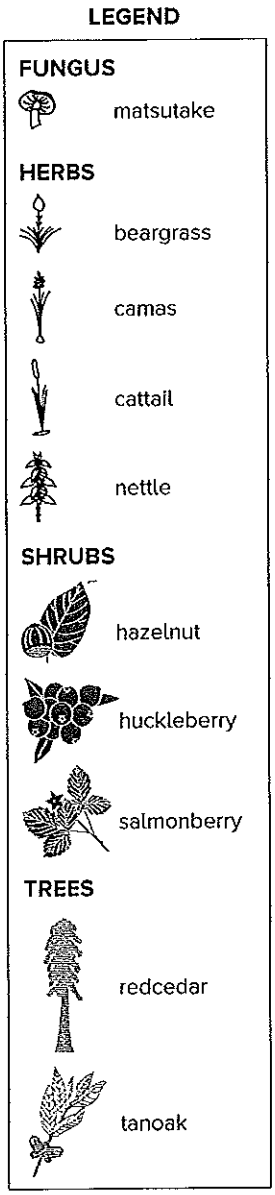




(e.g. fishing), a practice of monitoring that uses seasonal phenology (or life cycle). Desirable plants and fungi grow in different forest layers, and their tending affects forest architecture represented both horizontally and vertically in the table.

University of Oregon, Museum of Natural and Cultural History, photograph by Jack Liu

THESE SANDALS, along with dozens of others, were discovered by Luther Cressman in 1938 during an excavation at Fort Rock Cave in south-central Oregon. Human occupation at the nearby Paisley Caves, where early inhabitants left their mark between 13,000 and 14,000 years ago, provide context for the sandals. The sandals constructed of sagebrush bark and are held at the University of Oregon's Museum of Natural & Cultural History.

from the river. In Oregon, Celilo Falls, upriver from The Dalles, was one of the most important fishing centers in North America, with evidence of mass salmon harvesting dating back at least 10,000 years. Thousands of people came to the area annually for fishing and trading, fostering a culture of exchange among Tribes of the area that later shaped interactions with Euro-Americans.[19]

The mouth of the Columbia River and the coast of what is now Oregon, with rich food resources, must have been attractive to ancestral American Indians migrating down from Alaska via coastal or interior routes, or both. People occupied the Oregon coast by at least 12,000 years ago.[20] Like those of the Great Basin and the Columbia Plateau, coastal populations appear to have begun moving toward relative residential permanence and an economy

based on resource storage by 4,000 to 5,000 years ago.[21] In the coast's intertidal zone and shoreline, people collected clams, mussels, crabs, barnacles, waterfowl, and sea mammals. They constructed fish weirs (fences) to guide fish to mudflats, where they beached when the tide retreated. The people collected dozens of terrestrial plants and animal species and traded for others.[22] Permanent settlements of multifamily or single-family plank houses on the coast were complemented by temporary resource-collection camps that were occupied by specialized groups during harvest periods.[23] The coasts of Oregon and northwestern California are considered the southernmost extent of the Northwest Coast culture area that stretches north to southeastern Alaska and is characterized by high resource productivity, relatively high (although varied) population density, and complex, stratified social organization.[24]

There is evidence of human presence in the Willamette Valley, between the coast and the Columbia Plateau, dating to about 12,000 years ago. Willamette Valley Tribes engaged in intensive cultivation of camas roots, and some of the most tangible evidence of their long residence is their camas ovens, which proliferated in the valley around 6,000 years ago. Besides exploiting annual salmon runs, particularly at Willamette Falls and along the Clackamas River, around 3,500 years ago, the valley occupants also intensified their use of strategic burning to encourage the growth of edible plants and to create or isolate habitats for certain game. Territories and ownership rights were divided among several Tribes, which camped in the open or under temporary brush structures during the summer and returned to permanent multifamily homes during the winter.[25]

South of the Willamette Valley, the rugged Klamath and Cascade mountain ranges are home to a variety of populations with continuity in the region of at least 9,000 years. While the various groups were culturally similar due to similar environment, intermarriage, and trade connections, their linguistic differences (Penutian and Athapascan) suggest different histories of migration to the area. All these Tribes fished for salmon, hunted large and small mammals, and collected freshwater mussels, nuts, and berries. Like the Kalapuya in the Willamette Valley, some groups also burned portions of the landscape to increase its productivity; for instance, the Takelma in the Umpqua Valley burned fields of tarweed to be able to harvest it.[26] And the peoples of what is now south-central Oregon — the Northern Paiute, the Modoc, and the Klamath — had various models for living with the land, from the small, loosely organized family groups of the Paiute, who moved between seasonal resource-gathering camps, to the Modoc and Klamath, who moved between more permanent winter and summer villages in larger groups.[27]

Personal, place-based, and intentional relationships with Oregon ecosystems have evidently been integral to Indigenous groups across Oregon since

at least 14,500 years ago. Purposeful ecological management has similarly deep historical roots. By 5,000 years ago, human populations in all regions of Oregon were moving toward resource storage and permanent residences, possibly as a result of changing climate and increasing population density.[28] As these factors meant that people relied on returning to the same sites for resource collection year after year, Indigenous groups began to actively manage the ecosystems they relied upon, with increasing cultural and technological specificity.[29] The longevity of Indigenous ecological management was largely unnoticed by the European and Euro-American immigrants who began to arrive in the Oregon Territory in the 1700s. The Kalapuya, for example, had conducted controlled burns in the Willamette Valley for up to 8,000 years by the time the valley became a symbol of virgin territory to tens of thousands of Euro-American colonizers.[30] These colonizers did not recognize the Indigenous management regimes already in place, and they rapidly erased much of the ecological evidence of Oregon's fifteen millennia of occupation, use, and alteration by its Indigenous people.

SETTLER-COLONIALISM AND INDIGENOUS DISPLACEMENT

Beginning in the 1700s, European and American contact brought to the Indigenous peoples of the greater Pacific Northwest devastating diseases followed by social and environmental transformation.[31] One of the initial ecosystem impacts was the reduction of sea otter populations due to the fur trade, which itself died out by the late 1830s, after the sea otter reached near extinction off the Oregon coast.[32] The wave of White colonization to the Pacific Northwest during the 1840s brought far more devastation through disease and violence enacted on Native peoples than the fur trade had brought in the preceding half-century.

During the 1840s, the Oregon Trail brought upwards of 10,000 White settlers to Oregon, many of whom claimed vast tracts of land.[33] While the official position of the United States, codified in the Northwest Ordinance of 1787, was not to seize Native-held land without consent and compensation, settlers essentially ignored all Native claims. Indeed, historical precedent suggested to settlers that their own claims would be honored anyway. The ability of Tribes to defend their traditional homelands through treaty and land claims was severely undermined by the 1850 Oregon Donation Land Act, which legitimized the offering of large land claims to White settlers.[34] Elsewhere in the United States, federal policy had ostensibly required that the U.S. Senate approve treaties that ceded Native lands before Euro-Americans moved onto the land, but the Donation Land Act made colonization and treaty-making simultaneous processes. While thousands of White Oregonians established farms, businesses, and mining claims during the

early 1850s, federal agents negotiated treaties with Tribes for land cessions and the reservation of secure homelands and resources. Even when these treaties were ratified by the U.S. Senate, they were undermined or made moot by the reality that White settlers had already displaced sovereign Indigenous nations. The subsistence economy of Tribes, based on seasonal rounds of tending, harvesting, hunting, and fishing, was not compatible with private property and its accompanying fences. Moreover, when Native Americans persisted in pursuing these rounds, as they had for millennia, they were perceived as trespassers by White settlers, who met them with hostility and lethal violence.[35]

During the 1850s, the U.S. military, aided by voluntary citizen militias, forcibly removed most Tribes of western Oregon to the Coast Reservation, where disease, starvation, and suffering were rampant. Most Natives found themselves on unfamiliar lands, with the promised federal assistance, products, and foodstuffs not forthcoming. Although they faced explicit threat of death if they left the reservations, some people chose to flee back to their homelands, living in yet-uncolonized pockets of land or on the fringes of Euro-American society, often becoming part of the wage economy based in natural resource exploitation.[36]

Southwest Oregon Tribes found their lands first disturbed by gold seekers rather than missionaries or farmers. On the advent of the California Gold Rush in 1848, southwestern Oregon, and in particular the Rogue River Valley, became a frequented route between the Willamette Valley and the gold fields of California. A gold strike on the Rogue River itself in 1851 prompted a flood of White settlement in the area. Violence and retaliation by both Whites and Native Americans in the Rogue River Valley, periodically resolved with temporary truces, occurred regularly between 1851 and 1855, at which point the U.S. Army and local militias systematically exterminated and removed Natives from the Rogue River Valley in the Rogue River War of 1855–1856. When the war ended, the military forcibly removed most Tribes of the Rogue River Valley and its surrounding areas to the Coast Reservation on the central Oregon coast. This reservation of over one million acres did not stand untouched for long; between the 1860s and 1880s, the federal government claimed about 80 percent of the original lands reserved by the Tribes of Western Oregon.[37]

In 1855, the U.S. government held councils with the Tribes of the Columbia Plateau, and treaties were signed with the Umatilla, Walla Walla, and Cayuse (ratified by the U.S. Senate in 1859) and with Wasco and Warm Springs bands (ratified in 1858). Diverse Plateau peoples who had engaged in seasonal rounds over millions of acres of ancestral territories were removed and confined to mere fragments of their original homelands in the last half of

the nineteenth century. Yet, crucially, the tribal treaty signers reserved the right to fish, hunt, and gather in their "usual and accustomed places," a right that has been exercised in the twentieth and twenty-first centuries to obtain fishing rights, co-manage fish habitat, protect salmon runs, and harvest plant resources on ceded territories.[38]

The Klamath and Modoc Tribes signed a treaty with the United States in 1864, ceding nearly 20 million acres and reserving 2 million acres for a homeland along with the rights to fish, hunt, and gather in their ancestral territories. Many of the Modoc, who waged a war of resistance against the United States in 1872–1873, were removed from their homelands to Oklahoma. In southeastern Oregon in 1872, the 1.8-million-acre Malheur Reservation was established by executive order for the Paiute of the area, the Wada Tika band. Quickly, however, the reservation was reduced under pressure from settlers seeking grazing lands and gold. Some Paiute joined the Bannock War of 1878 to resist White settlement; at war's end, most Paiute were forcibly removed to Fort Simcoe, Washington. By 1883, the federal government had returned the Malheur Reservation to the public domain, leaving the remaining population homeless in its own homeland. It was not until 1972 that the Burns Paiute Tribe was officially recognized and granted a tiny, 770-acre reservation.[39] Some Northern Paiute people were resettled on the Warm Springs Reservation, where they ultimately became one of three Tribes that compose the confederation.[40]

The reservation system, predicated on removal and restriction to finite and ever-dwindling land bases, eroded traditional subsistence activities and relationships with the land, which relied on seasonal rounds, sustainable use, and tending of flora and fauna. Further alienation from the land came in the form of removal of younger generations to boarding schools and the division of many reservations into individual allotments through the federal General Allotment Act of 1887, commonly known as the Dawes Act, which also resulted in the transfer of vast amounts of tribal lands to non-Indians. Increasing agricultural, industrial, and hydropower development across the region transformed the very fabric of the land itself.[41]

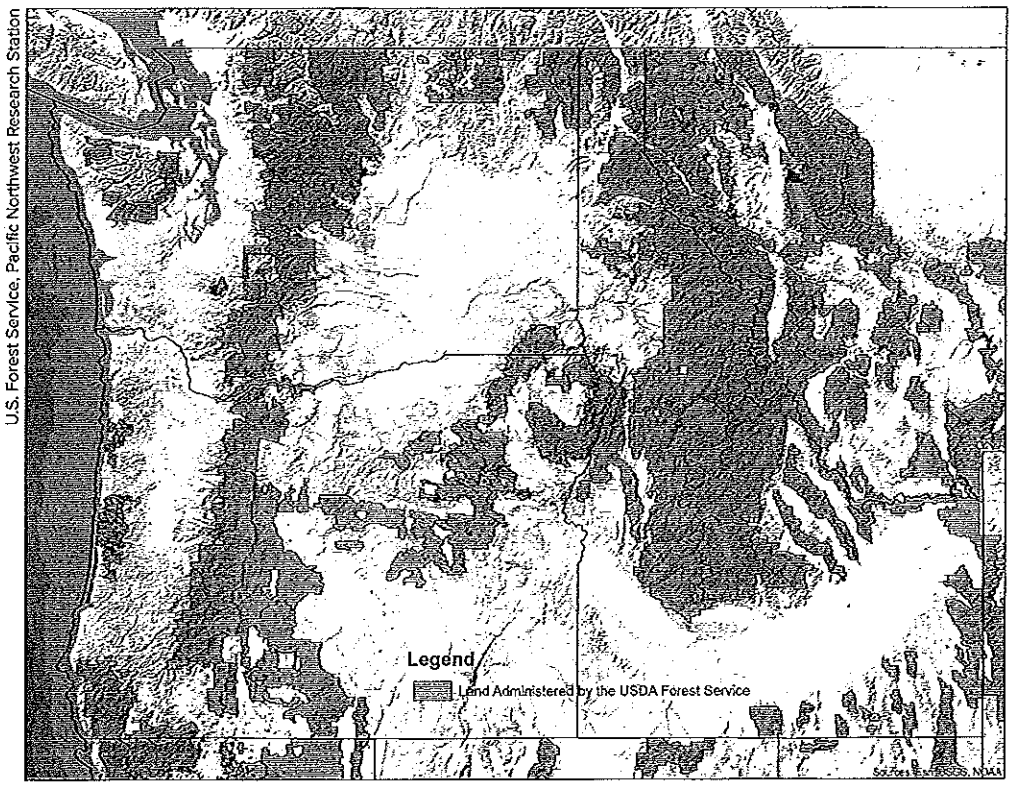
INDIGENOUS PERSISTENCE

Although Oregon Tribes had been profoundly assaulted by colonization and the removal to reservations in the nineteenth century, the twentieth century brought further social disruption and alienation from homelands through the federal termination policy of the 1950s. Advocates justified this policy, so-named because it called for the termination of the federal trust responsibility and legal relations with Tribes, as a means of fully integrating tribal members into mainstream American life. Western Oregon Tribes were key

targets, because political leaders saw them as being relatively acculturated (ironic, as their perceived acculturation was due to the speed and brutality with which their traditional lives had been transformed). Those same leaders viewed the Klamath Tribes as relatively wealthy, and therefore as having the potential for individual self-sufficiency, because of their vast timber holdings, soon to be taken by the federal government. In 1954, Congress passed bills terminating all the Tribes west of the Cascades as well as the Klamath Tribes, authorizing preparation of final tribal rolls and in some cases making per capita payments, supposedly to move tribal members toward financial self-sufficiency. The policy resulted in the Tribes' loss of millions of acres of lands and all their resources, including timber, water, plants, and animals, and stripped tribal citizens of their identities.

Given these extraordinary pressures, the achievements of Oregon Tribes in the late twentieth and early twenty-first centuries are miraculous.[42] Despite all odds, many of the terminated Tribes successfully won the restoration of their federal status in the 1970s and 1980s, often led by determined elders who crafted political, legal, and social alliances to do so.[43] Even after federal recognition was secured, there was the matter of rebuilding tribal nations — developing government, infrastructure, social services, and economic resources. Federal recognition rarely came with a substantial land base, and thus Tribes were left to seek other sources of economic subsistence; the 1988 Indian Gaming Regulatory Act paved the way for Oregon Tribes to develop casino facilities as a means of providing jobs and revenue for their communities. The fact that land bases were not restored alongside political recognition highlights the importance of exercising sovereignty to rebuild relationships with traditional resources on federally controlled off-reservation lands.

While the Confederated Tribes of the Warm Springs and the Confederated Tribes of the Umatilla escaped official termination in the 1950s, neither could escape the climate of assimilation and transformation that the policy represented. Beginning in the late nineteenth century, the Columbia River Tribes (including Umatilla and Warm Springs) faced the environmental erosion of their fisheries, competition with non-Native fishers, and the state constraint of their treaty-reserved rights to fish and hunt at "usual and accustomed places." After decades of the persistent exercise of fishing rights on the part of traditional fishers and legal strategizing on the part of Tribes, key federal court decisions in the 1960s and 1970s affirmed the scope of treaty rights and paved the way for the strengthening of government-to-government relationships between Tribes and federal and state entities.[44] These rulings created clear legal avenues for Tribes to be more directly involved in management of the fish, wildlife, and plant resources to which they had reserved fishing, hunting, and gathering rights.



LAND ADMINISTERED BY the USDA Forest Service is shaded in dark gray in the above map. The members of the Northwest Native American Basketweavers Association who contributed to research described in this article reported affiliations with Tribes in Idaho, Oregon, and Washington and experiences harvesting plants on federal lands in the same states, including those administered by the USDA Forest Service.

CONTEMPORARY BARRIERS TO TRIBAL ACCESS TO CULTURAL PLANT HARVEST: FINDINGS OF THE STUDY

History offers context for why contemporary tribal relationships with ancestral lands, particularly those that are federally held, remain part of the larger story of Oregon migrations. Almost 25 percent of the state's lands are national forests, and 53 percent of all the state's lands are under federal ownership.[45] Because our research on access was limited to land managed by the USDA Forest Service, the results cannot be generalized to all federal lands. Nevertheless, study participants often made no distinction according to agency.

Tribal members who participate in gathering plants on federal lands generally do so outside the public eye, in family groups, and/or with fellow weavers. They often return to specific gathering areas that have been associated with their families and communities for generations. Getting to gathering locations requires knowledge of those places and the life cycle of the desired species, and on a practical level, requires transportation to gathering sites and physical access to the plants once onsite. In our research, most weavers described physical barriers when attempting to gather plants such as beargrass.[46] As examples, they reported locked gates and inadequate road maintenance. One weaver explained that when forest roads are not maintained (due to lack of funding or other reasons), traditional gathering places become difficult to access, perhaps unintentionally. Elders and others with limited mobility need to be able to drive close to gathering locations to join harvesting activities.

The USDA Forest Service requires permits for the general public's gathering of many non-timber forest products. For tribal members, this requirement may be experienced as ironic at best, especially if the lands in question were ceded by their ancestors who secured government promises for future access.[47] Tribal participants discussed several ways permit systems can create barriers to access. The first is monetary: interviewees spoke negatively about paying for permits to gather in state and national parks, having to pay fines if caught without a permit, and paying parking and entrance fees to federal areas. Another burden is the challenge of navigating many bureaucracies in order to secure a permit. As one weaver said, "There's [the] barrier of having to find the right office to go out and get permission to gather."[48] Some tribal governments have worked with the USDA Forest Service to negotiate improved permit systems, for example, by lengthening the time that a permit was valid (say, from five to ten years) or allowing tribal identification cards to substitute for harvesting permits.

Some interviewees were opposed to *any* permit system, asserting that requiring permits represents an infringement on intrinsic sovereign and treaty rights to gather in traditional ways. One explained that tribal members should have the right to gather without permits, because "it's what we've always done."[49] Respondents perceived that the official expectation to carry a permit has intensified over the years, with resulting encroachment on traditional practices. One weaver explained that while she now needs a permit to gather, as a child she simply went out and gathered with family members.[50] She associated the increase in rules and permits with a decrease in Native families going out to gather, which in turn limits the transmission of intergenerational knowledge. Echoing this point, another weaver said, "The only way that we're going to hold on to our traditions is to practice the culture."[51]

A surprising finding reported by interviewees is that even in situations where permitting systems exist as a result of negotiated agreements, such as memoranda of understanding (MOUs) approved by tribal governments, individual tribal members may still experience negative effects. One interviewee argued that MOUs essentially negotiate away tribal members' rights to gather freely and that many tribal members chafe under the perception of any restrictions to access, even if officially agreed to by Tribes.[52] She explained that even if federal agencies and Tribes have come to agreements about permitting systems, individual tribal members may not want to be required to obtain a permit; they want to be able to collect without that restriction.

Having the ability and flexibility to collect when one wants to do so may become even more significant as climate change impacts the traditional landscape. Shifting phenology and irregular seasonal patterns are among the most significant impacts on harvesters of traditional plants. A participant reported that the timing for harvest of some resources is increasingly uncertain, explaining that "it's almost like a guessing game of when we can go and harvest."[53] Plants may be ready months earlier in the year than they were in prior decades of a harvester's lifetime, and having to stop first to get a permit may compound the negative impact of these changes. Climate change makes it even more important that tribal harvesters have access with a minimum of bureaucracy so they are able to gather when resources are ready for their intended use — whether or not the timing coincides with prior years. And as Kathy Lynn and other scholars associated with the University of Oregon's Tribal Climate Change Project have argued in various publications, the United States has the duty to mitigate the negative impact of climate change on off-reservation resources and Tribes have a right for those resources to exist as well as to access them.[54]

Many tribal gatherers say they struggle to share public land and resources with the commercial forest and non-timber forest products industries. Respondents raised three main issues: resource competition, environmental damage, and inadequate regulation and enforcement of harvesting rules. Most interviewees reported encountering the effects of overharvesting by commercial gatherers.[55] One weaver called these effects "heartbreaking," making the point that plants such as beargrass will have a lifespan of a couple of weeks when harvested for the floral industry, while they could "live" hundreds of years when used by Native gatherers for a basket.[56]

A major factor in the ease of access to public lands by tribal harvesters is the quality of interpersonal relationships with federal and state land managers. Although many weavers spoke of positive relationships with land managers and some gave examples of exceptional cooperation, over one third (ten) spoke to the issue of difficult relationships between Native people

Courtesy of Alfred "Bud" Lane III

ALFRED "BUD" LANE III harvests beargrass in the Willamette National Forest in the 1990s. Knowledge of specific gathering locations on federal land is passed down through generations. Sites are sometimes difficult to access due to inadequate maintenance or physical barriers, such as locked gates.

and such staff. Participants told of difficulties with relationships on institutional levels, referencing a lack of structured cooperative agreements and, on a more face-to-face level, strained or mistrustful relationships between gatherers and individual USDA Forest Service agents in the field.

Even when relationships are positive, USDA Forest Service staff turnover is often high, and tribal participants reported that staff changes can result in changes to ease of access. Participants perceive that many agency personnel lack understanding about treaty rights and Native perspectives. This raises the question: How can the USDA Forest Service ensure clear and unfettered access to gathering sites when all employees may not have a full understanding of the rights they are expected to uphold? Participants insist that agency personnel should have fundamental knowledge of the federal trust obligation relationship and of tribal histories associated with the lands they manage. Several respondents described being discouraged by the lack of knowledge of public-lands staff about tribal gathering rights, and being tired of explaining what they are doing, who they are, and why they want to be able to collect wherever and whenever they wish. One

described his efforts to repeatedly explain these rights as a constant "sell job."[57]

This lack of knowledge results in frustration on the part of tribal members, even when the USDA Forest Service attempts to facilitate access. An interviewee gave the example of the USDA Forest Service asking her Tribe for a map of locations where members gather materials, ostensibly to have a greater understanding of the areas to which tribal members want access.[58] While this may seem practical, in the interviewee's mind, it ignored the long history of mistrust that characterizes interactions between tribal communities and U.S. governmental agencies. Tribal members were reluctant to reveal the location of specific sites out of concern that the USDA Forest Service would then monitor such sites and/or restrict access. She offered this example as an indication of the need for a deeper level of cross-cultural communication to increase USDA Forest Service agents' capacities to understand Native perspectives. Perhaps, in her reasoning, they could then accept the complex reasons why tribal members would not automatically want to give the agency a map.

Another interviewee echoed similar frustration with the USDA Forest Service trying to point harvesters to certain locations (and away from others) without fully taking into account tribal members' criteria for preferred locations.[59] Such Indigenous criteria may privilege family ties to the land over other qualities. Gatherers may select a particular location because their families have collected at that site for generations; such locations are infused with memories and a sense of belonging. The shared experience of gathering on those locations facilitates the transmission of cultural, historical, and ecological knowledge across generations. These criteria for location selection, of utmost importance to tribal members, may be invisible to agency personnel who are then puzzled when gatherers bristle at being told that only certain locations (which may not be associated with their family lines) are suitable for harvest.

IMPLICATIONS FOR TRIBAL RELATIONSHIPS WITH ANCESTRAL LANDS

We found that addressing these barriers is not merely a matter of opening gates or roads, or making permits easier to get. Ultimately, tribal gathering practices rely on maintaining healthy ecosystems and effective land management practices. From the perspective of the majority of our interviewees, traditional gathering depends on Native peoples' ability to manage, nurture, and cultivate resources, whether on- or off-reservation. Tending involves human interaction with land and waters and is at odds with non-sustainable timber harvesting or with philosophies that conceptualize land as needing protection from human impact. Some interviewees expressed concern that

conservationist approaches may be used to "protect" federal lands from tribal traditional practices, leading to the exclusion of Native users from ancestral lands. From the perspectives of study participants, natural resources are to be used, to be lived and worked with, as part of an ongoing relationship, rather than being merely "managed" by or "protected" from human agents.[60]

Many interviewees expressed the conviction that the right to gather implies the right to be involved throughout all stages of federal land management processes. One participant insightfully recommended that the focus should be on the development of protocol rather than strictly on the production of policy.[61] In using the word *protocol*, this participant was referring to a process of respectful engagement between forest managers and tribal communities, one in which Native cultural values and acknowledgement of tribal sovereignty are guiding principles. By law, federal agencies are obligated to consult with Tribes when their work impacts or involves tribal resources, but the quality of such consultations varies widely in practice.[62] Tribal members report that "consultation" may take the form of "notification" rather than substantive inclusion during decision-making stages, and that failure to incorporate tribal input meaningfully is perceived as routine. To the weavers interviewed, this failure impedes gathering rights in a fundamental way, because it potentially excludes them from the care of the habitat and full lifecycle of plant resources.

Legal scholar Ed Goodman has argued that the exercise of treaty-reserved gathering rights implies the protection of plant habitat, much as the exercise of fishing rights implies protection of fish habitat.[63] In turn, Goodman reasons, this implies that tribal co-management of habitat on ceded lands can itself be seen as a reserved right. Although the parameters of the research described in this article are limited, the implications of these matters are far-reaching. The issue is not only of access to ceded ancestral lands now under public control, but also of habitat protection for plant resources that are subject to reserved gathering rights. Although in federal Indian case law, according to Felix Cohen, "courts have not yet definitively determined whether off-reservation reserved rights include the right to habitat protection for the species subject to the rights," we know that in fishing rights cases, courts have indicated a "willingness to consider habitat [protection] a necessary part of Tribes' reserved" rights.[64] Goodman has argued that Tribes have the right to off-reservation co-management of habitat to ensure the "maintenance and well-being" of "fish to be harvested, game to be hunted, and plants to be gathered" in order to protect the exercise of related off-reservation rights to resources on ancestral lands.[65]

While a contemporary weaver's gathering of, for example, beargrass, for use in a basket may seem a minor act in the history of federal Indian policy, and certainly is an act invisible to the vast majority of the public, that exercise

of reserved tribal rights has potentially enormous implications for ongoing tribal access to, and management of, federal lands, including here in Oregon. Dobkins and Hummel are conducting further research to understand how access is being facilitated through a variety of informal and formal agreements between USDA National Forest managers and Tribes, and to assess how effective these agreements are in addressing these barriers to tending and harvesting natural resources on ceded lands. Outside the Northwest, in California, a Basketweavers Traditional Gathering Policy has been in place since 2006, and in Michigan, a consent decree among state, federal, and tribal governments recognizes tribal rights to gather on ceded lands under the oversight of tribal rather than state or federal regulators.[66] This next phase of study will attempt to identify factors leading to successful tribal–USDA Forest Service agreements for tribal access to and co-management of ancestral lands from which Oregon Tribes were dispossessed yet to which they continue to assert deep relationships.

DIRECTIONS FOR FUTURE STUDY AND KEY LESSONS

The research discussed above was ecological and ethnographic (not historical) in nature, not solely focused on Oregon Tribes, and limited in scope to one agency and a couple dozen weavers. Thus, it points toward directions for Oregon-focused research that we hope other scholars, of many disciplines, may engage in, alongside tribal collaborators. Other federal agencies, such as the Bureau of Land Management and the U.S. Fish and Wildlife Service, in some locations and with persistent tribal efforts, have established working relationships with Oregon Tribes regarding gathering. Case studies of these relationships and their basis in the federal trust responsibility and in the particularities of specific tribal histories and legal frameworks (themselves dependent on historical circumstances) could illuminate the variety of ways that Oregon Tribes maintain connections and relationships with ancestral lands held by federal agencies other than the USDA Forest Service. Additionally, understanding the range and success (from the Tribes' point of view) of tribal-state agreements about Indigenous resource collection on state lands could be useful to Tribes located in other states, few of which have official "government-to-government" consultations like those in Oregon.[67]

This research, however limited in its scope, reinforces some broader themes. Human cultures — like those of Indigenous Oregonians — that persist over centuries of environmental variation and social transformations attest to the existence of practices that can be adapted when populations of plants and animals fluctuate or are scarce, and to the ability of people to respond to change. Such adaptive and responsive practices rely on knowledge that is acquired when people interact with natural resources in specific places

and is then bequeathed to subsequent generations and nurtured by cultural traditions. If we can agree that the goal is to sustain the Pacific Northwest's ecosystems and all the people who now call the region home, then there is a role for management that includes traditional knowledge. This topic is central to contemporary land management, because Indigenous systems for tending plants and animals have been influencing forests and sustaining humans for millennia.

Another, related, theme is the importance of acknowledging that the relationship of non-Native Oregonians to Oregon land is preceded by and built on the relationship of Native people to their ancestral lands and waters. The histories and current experiences of non-Native migrants to Oregon are not isolated from the land and Oregon Tribes' history and contemporary relationships with it. Although non-Indian migrants may have formed their own connections to Oregon lands and waters, they formed these connections always in relation to Oregon's Native peoples: sometimes in tandem with, often in opposition to, but always interacting with an environment that Native people have tended, shaped, and utilized since time immemorial.

NOTES

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1. All dates in this article are calculated according to radiocarbon dating terminology, calibrated years before present, but the phrase "years ago" is used for sake of simplicity.

2. Susan Hummel and Jane Smith, "People and Forest Plants," in Dede Olson and Bea van Horne, eds., *People, Forests, and Change* (Washington D.C. : Island Press, 2017).

3. See, for example, *Minnesota et al. v. Mille Lacs Band of Chippewa Indians et al.*, 1999.

4. Rebecca Dobkins, Ceara Lewis, Susan Hummel, and Emily Dickey, *Cultural Plant Harvests on Federal Lands: Perspectives from Members of the Northwest Native American Basketweavers Association*, USDA Forest Service Pacific Northwest Research Station Research Paper, PNW-RP-608 (Portland, Ore.: Pacific Northwest Research Station, 2016).

5. Dobkins et al, *Cultural Plant Harvests on Federal Lands.*

6. See Donald Fixico, "Termination and Restoration in Oregon," *The Oregon Encyclopedia*, https://oregonencyclopedia.org/ar-

ticles/termination_and_restoration (accessed September 19, 2017).

7. Susan Hummel, Sarah Foltz-Jordan, and Sophia Polasky, *Natural and Cultural History of Beargrass*, USDA Forest Service, Pacific Northwest Research Station, General Technical Report, PNW GTR-864 (Portland: USDA, 2012).

8. Susan Charnley and Susan Hummel, "People, plants and pollinators: the conservation of beargrass ecosystem diversity in the western US," in Jordi Lopez Pujol, ed., *The Importance of Biological Interactions in the Study of Biodiversity* (InTech, 2011),127–54.

9. Susan Hummel and Frank K. Lake, 2015. "Forest Site Classification for Cultural Plant Harvest by Tribal Weavers Can Inform Management," *Journal of Forestry* 113:1 (January 2015): 30–39.

10. Dobkins et al, *Cultural Plant Harvests on Federal Lands*.

11. The twenty-nine interviewees identified themselves as having the following Northwest tribal affiliations: Chehalis, Chinook, Colville, Cowlitz, Grand Ronde, Jamestown S'Klallam, Klamath, Lummi, Muckleshoot, Nez Perce, Nisqually, Paiute, Puyallup, Quileute, Siletz, Skokomish, Wasco, Warm Springs, and Yakama. Some individuals self-identified as having heritage from more than one of these Tribes.

12. The phrase "tending the wild" was used for the title of M. Kat Anderson's book, *Tending the Wild: Native American Knowledge and the Management of California's Natural Resources* (Berkeley: University of California Press, 2006), which examines how Indigenous people have actively shaped and tended the land for millennia.

13. Ben A. Potter, Joshua D. Reuther, Vance T. Holliday, Charles E. Holmes, D. Shane Miller, and Nicholas Schmuck, "Early Colonization of Beringia and Northern North America: Chronology, Routes, and Adaptive Strategies," *Quaternary International* 444 (July 20, 2017): 36–55.

14. For the coastal migration hypothesis, see Jon M. Erlandson, Todd J. Braje, Kristina M. Gill, and Michael H. Graham, "Ecology of the Kelp Highway: Did Marine Resources Facilitate Human Dispersal from Northeast Asia to the Americas?" *The Journal of Island and Coastal Archaeology* 10:3 (2015): 392–411. See also Jon M. Erlandson, Michael H. Graham, Bruce J. Bourque, Debra Corbett, James A. Estes, and Robert S. Steneck, "The Kelp Highway Hypothesis: Marine Ecology, the Coastal Migration Theory, and the Peopling of the Americas," *The Journal of Island and Coastal Archaeology* 2:2 (October 2007): 161–74. For a summary of the ice-free corridor debate, see E. James Dixon, "Late Pleistocene Colonization of North America from Northeast Asia: New Insights from Large-scale Paleogeographic Reconstructions," *Quaternary International* 285 (February 8, 2013): 57–67. Recent work suggests the ice-free corridor became viable for human migration only after the first evidence for human habitation south of the ice sheets, which would make the coastal route the only viable option for the initial migration south out of Alaska. Mikkel W. Pedersen, Anthony Ruter, Charles Schweger, Harvey Friebe, Richard A. Staff, Kristian K. Kjeldsen, Marie L.Z. Mendoza, Alwynne B. Beaudoin, Cynthia Zutter, Nicolaj K. Larsen, Ben A. Potter, Rasmus Nielsen, Rebecca A. Rainville, Ludovic Orlando, David J. Meltzer, Kurt H. Kjær, and Eske Willerslev, "Postglacial Viability and Colonization in North America's Ice-free Corridor," *Nature* 537 (September 1, 2016): 45–49. The authors are indebted to Thomas J. Connolly for his assistance with this research.

15. This account of the peopling of Oregon draws on Kenneth M. Ames and Herbert D.G. Maschner, *Peoples of the Northwest Coast: Their Archaeology and Prehistory* (New York: Thames and Hudson, 1999). The divisions of Oregon into cultural and ecological zones, as well as the information about each, draws from C. Melvin Aikens, Thomas J. Connolly, and Dennis L. Jenkins, *Oregon Archaeology* (Corvallis: Oregon State University Press, 2011). Much information about European contact with Oregon Tribes comes from Gray H. Whaley, *Oregon and the Collapse of Illahee* (Chapel Hill: The University of North Carolina Press, 2010).

16. On Paisley Caves, see M. Thomas P.

Gilbert, Dennis L. Jenkins, Anders Götherstrom, Nuria Naveran, Juan J. Sanchez, Michael Hofreiter, Philip Francis Thomsen, Jonas Binladen, Thomas F. G. Higham, Robert M. Yohe II, Robert Parr, Linda Scott Cummings, and Eske Willerslev, "DNA from Pre-Clovis Human Coprolites in Oregon, North America," *Science* 320:5877 (May 9, 2008): 786–89; and Bryan Hockett and Dennis L. Jenkins, "Identifying Stone Tool Cut Marks and the Pre-Clovis Occupation of the Paisley Caves," *American Antiquity* 78:4 (October 2013): 762–78.

17. Aikens, Connolly, and Jenkins, *Oregon Archaeology*, 141; and Bryan Hockett, Martin E. Adams, Patrick M. Lubinski, Virginia L. Butler, and Dennis L. Jenkins, "Late Pleistocene Subsistence in the Great Basin: Younger Dryas-aged Faunal Remains from the Botanical Lens, Paisley Cave 2, Oregon," *Journal of Archaeological Science: Reports* 13 (2017) 565–76.

18. Aikens, Connolly, and Jenkins, *Oregon Archaeology*, 153–55.

19. Ibid., 151, 155, 179, 188–89.

20. Loren G. Davis, Michele L. Punke, Roberta L. Hall, Matthew Fillmore, and Samuel C. Willis, "A Late Pleistocene Occupation on the Southern Coast of Oregon," *Journal of Field Archaeology* 29 (2004): 7–16, have found evidence of human occupation at Indian Sands on the Oregon coast dating to 12,300 years ago. See also Loren G. Davis, "Geoarchaeological Insights from Indian Sands, a Late Pleistocene Site on the Southern Northwest Coast, USA," *Geoarchaeology* 21:4 (2006): 351–61.Previous research at this site by Madonna L. Moss and Jon M. Erlandson, "Reflections on North American Pacific Northwest Coast," *Journal of World Prehistory* 9:1 (March: 1995): 1–45, yielded materials about 8,600 years old. See also Jessica Ann Curteman, "Geoarchaeological Investigations at the Devils Kitchen Site (35CS9), Southern Oregon Coast," (M.A. Thesis, Oregon State University, 2015), who found uncalibrated dates of 10,638±35 to 11,596±37 years ago for materials from the Devils Kitchen State Park on the southern Oregon coast.

21. Shell middens and residential structures that indicate permanent settlements on the Oregon coast appear as early as 5,100 years ago. For a summary of Oregon archaeology surrounding temporary and permanent human occupations on the Oregon coast, see Thomas J. Connolly and Guy L. Tasa, "The Middle Holocene Cultural Record on the Oregon Coast," in *Dunes, Headlands, Estuaries, and Rivers: Current Archaeological Research on the Oregon Coast*, ed. Guy L. Tasa and Brian L. O'Neill (Eugene: Association of Oregon Archaeologists Occasional Papers, 2008), 73–82.

22. Donald B. Zobel, "Ecosystem Use by Indigenous People in an Oregon Coastal Landscape," *Northwest Science* (2002), 304–14; Aikens Connolly and Jenkins, *Oregon Archaeology*, 268.

23. Aikens, Connolly, and Jenkins, *Oregon Archaeology*, 235.

24. Ibid., 211–217, 257; Ames and Maschner, *Peoples*, 17.

25. Aikens, Connolly, and Jenkins, *Oregon Archaeology*, 284–89, 325. See Robert T. Boyd and Yvonne P. Hajda, "Seasonal Population Movement along the Lower Columbia River: The Social and Ecological Context," *American Ethnologist* 14:2 (May 1987): 309–26.

26. Aikens, Connolly, and Jenkins, *Oregon Archaeology*, 330–32, 335, 376.

27. Ibid., 34–38.

28. See Alicia White, Christy Briles, and Cathy Whitlock, "Postglacial vegetation and fire history of the southern Cascade Range, Oregon," *Quaternary Research* 84:3 (November 2015): 348–57; Christy E. Briles, Cathy Whitlock, and Patrick J. Bartlein, "Postglacial Vegetation, Fire, and Climate History of the Siskiyou Mountains, Oregon, USA," *Quaternary Research* 64:1 (July 2005): 44–56; Megan K. Walsh, Christopher A. Pearl, Cathy Whitlock, Patrick J. Bartlein, and Marc A. Worona, "An 11,000-year-long Record of Fire and Vegetation History at Beaver Lake, Oregon, Central Willamette Valley," *Quaternary Science Reviews* 29 (2010): 1093–1106; and Kenneth M. Ames, "The Archaeology of the Longue Durée: Temporal and Spatial Scale in the Evolution of Social Complexity on the Southern Northwest Coast," *Antiquity* 65:249 (1991): 935–45.

29. See Connolly and Tasa, "The Middle

Holocene Cultural Record on the Oregon Coast"; and Kenneth M. Ames, "The Archaeology of the Longue Durée," 935–45.

30. Charcoal analyses at Beaver Lake suggest that people of the Willamette Valley began controlled burns in the mid to late Holocene, perhaps as early as 8,000 years ago, when wetter and cooler conditions would have produced fewer naturally occurring fires than the archaeological record shows, indicating an anthropogenic cause for the burns. See Walsh, et al, "An 11,000-year-long record of fire and vegetation history at Beaver Lake"; and Megan K. Walsh, "Natural and Anthropogenic Influences on the Holocene Fire and Vegetation History of the Willamette Valley, Northwest Oregon and Southwest Washington" (Ph.D. diss., University of Oregon, 2008). On indigenous burning practices, see Robert T. Boyd, *Indians, Fire, and the Land in the Pacific Northwest* (Corvallis: Oregon State University Press, 1999).

31. Whaley, *Oregon and the Collapse of Illahee*, 3, 20.

32. Ames and Maschner, *Peoples*, 12.

33. Whaley, *Oregon and the Collapse of Illahee*, 161.

34. For context on the Donation Land Act, see John Suval, "'The Nomadic Race to Which I Belong': Squatter Politics and the Claiming of Oregon," *Oregon Historical Quarterly*, 118:3 (Fall 2017): 306–337.

35. Nathan Douthit, *Uncertain Encounters: Indians and Whites at Peace and War in Southern Oregon, 1820s–1860s* (Corvallis: Oregon State University Press, 2002), 163–73.

36. Ibid.

37. Whaley, *Oregon and the Collapse of Illahee*, 238. This section also draws from Nathan Douthit; and *Uncertain Encounters* and Stephen Dow Beckham, ed., *Oregon Indians: Voices from Two Centuries* (Corvallis: Oregon State University Press, 2006).

38. Beckham, *Oregon Indians*, 483–87.

39. Minerva T. Soucie, "Burns Paiute Tribe," Chapter 2 in Laura Berg, ed., *The First Oregonians*, 2nd ed. (Portland: Oregon Council for the Humanities, 2007), 44–59.

40. Douglas Deur, "Klamath Tribes: Restoring People, Restoring Ties to the Land," chapter 7 in Berg, *The First Oregonians*, 146–59.

41. Stephen Dow Beckham, "Federal-Indian Relations," chapter 11 in Berg, *The First Oregonians*, 208–43.

42. This is not to say that Tribes in Oregon and the Northwest were not organizing prior to the 1970s and 1980s. We are indebted to one of the anonymous reviewers of this manuscript who pointed out that there is a much longer history, extending throughout the nineteenth and twentieth centuries, of Northwest Indians meeting the challenges they faced with resilience. An example of such organizing directly related to the subject matter of our study is the Yakama Nation's long-standing efforts to exercise their treaty-reserved gathering rights in the Gifford Pinchot National Forest. See Andrew H. Fisher, "The 1932 Handshake Agreement: Yakama Indian Treaty Rights and Forest Service Policy in the Pacific Northwest," *Western Historical Quarterly* 28:2 (May 1997): 186–217.

43. See, as one example, the restoration efforts of the Siletz Tribe, as documented by Charles Wilkinson, *The People are Dancing Again: The History of the Siletz Tribe of Western Oregon* (Seattle: University of Washington Press, 2010), 305–33.

44. These cases were the *Sohappy v. Smith* ruling by Judge Belloni in 1969 and the *U.S. v. Washington* ruling by Judge Boldt in 1974.

45. Carol Hardy Vincent, Laura A. Hanson, and Carla N. Argueta, "Congressional Research Service 2017 Federal Land Ownership: Overview and Data," p. 8, https://ballotpedia.org/Environmental_policy_in_Oregon#tab=Land (accessed September 9, 2017).

46. For reference to physical barriers, see Susan A. Charnley, Paige Fischer, and Eric T. Jones, "Integrating Traditional and Local Ecological Knowledge into Forest Biodiversity Conservation in the Pacific Northwest," *Forest Ecology and Management* 246:1 (July 2007): 14–28, quote at 21; and Kathryn A. Lynch and Rebecca J. McLain, *Access, Labor, and Wild Floral Greens Management in Western Washington's Forests*," General Technical Report PNW-GTR-585 (Portland, Ore.: USDA Forest Service, Pacific Northwest Field Station, 2003), 25.

47. Bureaucratic permitting systems result in confusion among both tribal and non-tribal harvesters and are compounded by perceived ambiguities in jurisdiction over forest lands, which are controlled by local, state, and federal agencies; Tribes; and private landowners. See Felix S. Cohen, *Handbook of Federal Indian Law* (Newark, NJ: LexisNexis, 2005), 17–29; and Lynch and McLain, *Access, Labor and Wild Floral Greens Management*, 23, 28.

48. Tribal member 6.

49. Tribal member 13.

50. Tribal member 16.

51. Tribal member 19.

52. Tribal member 17.

53. Tribal member 6; tribal members 16, 18, and 23 also referred to climate change as impacting timing for harvest.

54. Teresa G. Jacobs, Santi Alston, authors, and Kathy Lynn, ed., "Legal Considerations for Climate Change Impacts on Tribes' Off-Reservation Resources," University of Oregon Environmental and Natural Resources Law Program, University of Oregon School of Law, (Eugene, 2010).

55. Significant to the theme of this special *Oregon Historical Quarterly* issue (but unexplored in our research) is the reality that many of these commercial gatherers are recent and sometimes undocumented immigrants, whose labor is often exploited, as they work as independent contractors and are poorly compensated by the industry.

56. Tribal member 1.

57. Tribal member 1.

58. Tribal member 17.

59. Tribal member 1.

60. See Sally Jo Bowman, "Parks in Partnership," *National Parks* 72:1-2 (January-February 1998): 392–406; Bowman 1998, "Natural Resources Conservation Service/ Native Practices Work Group, Indigenous Stewardship Methods and NRCS Conservation Practices: Guidebook" (Anchorage, A.K.: U.S. Department of Agriculture, Natural Resources Conservation Service, 2010), 3; and Thomas F. Thornton "A Tale of Three Parks: Tlingit Conservation, Representation, and Repatriation in Southeast Alaska's National Parks," *Human Organization* 69:2 (Summer 2010): 110.

61. Tribal member 17.

62. Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," issued in 2000 by President William J. Clinton, reiterated the federal commitment to tribal sovereignty and self-determination. See also Robert J. Miller, "Consultation or Consent: The United States' Duty to Confer with American Indian Governments," *North Dakota Law Review* 91:1 (October 2015): 37–98, via *Academic Search Premier*, EBSCO*host* (accessed October 18, 2017).

63. See Ed Goodman, "Protecting Habitat for Off-Reservation Tribal Hunting and Fishing Rights: Tribal Comanagement as a Reserved Right," *Environmental Law* 30:2 (Spring 2000): 279–361.

64. Cohen, *Handbook of Federal Indian Law*, 2014 edition, 16–17.

65. Goodman, "Protecting Habitat for Off-Reservation Tribal, Hunting, and Fishing Rights," 281–82.

66. Deborah Small, "Eco-cultural Devastation and Revitalization: Indigenous Women in Southern California," in Francis McCollum Feeley, ed., *Comparative Patriarchy and American Institutions: The Language, Culture, and Politics of Liberalism* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2010), 141–42; Adriana Greci Green, "Anishinaabe Gathering Rights and Market Arts: The Contribution of the WPA Indian Handicraft Project in Michigan," in Brian Hosmer and Larry Nesper, eds., *Tribal Worlds: Critical Studies in American Indian Nation Building* (Albany: State University of New York Press, 2013), 219–51.

67. In 1975, Oregon established the Legislative Commission on Indian Services (LCIS), an advisory body of thirteen tribal leaders and legislators, to serve as a mechanism for the consideration of tribal concerns. Later, Oregon was the first state in the nation to pass a state-tribal government-to-government relations law, which requires regular consultation, training, and reporting. See https://www.oregonlegislature.gov/cis/Pages/default.aspx.