

# Cultural Plant Harvests On Federal Lands: Perspectives From Members of the Northwest Native American Basketweavers Association

Rebecca Dobkins, Ceara Lewis, Susan Hummel, and Emily Dickey



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## Authors

**Rebecca Dobkins** ([rdobkins@willamette.edu](mailto:rdobkins@willamette.edu)) is a professor of anthropology and curator of Native American art and **Ceara Lewis** ([ceara.lewis@gmail.com](mailto:ceara.lewis@gmail.com)) is a 2013 anthropology graduate and contract research assistant, Hallie Ford Museum of Art, Willamette University, 900 State Street, Salem, OR 97301; **Susan Stevens Hummel** ([shummel@fs.fed.us](mailto:shummel@fs.fed.us)) is a research forester, U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station, Forestry Sciences Laboratory, 620 SW Main Street, Suite 400 Portland, OR 97205; **Emily Dickey** ([emily.j.dickey@gmail.com](mailto:emily.j.dickey@gmail.com)) is a 2010 anthropology graduate of Willamette University, Salem, OR 97301.

Cover photographs: Baskets from the Hallie Ford Museum collection, Salem, Oregon. See inside back cover for more information.

## **Abstract**

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Native Americans who wish to harvest forest plants for traditional uses report difficulties gaining access to federal lands in the northwestern United States. To learn more about this issue, we reviewed the published literature on site access and resource harvests by tribal members and discussed it with Native American traditional users of plant resources. Specifically, 29 members of the Northwest Native American Basketweavers Association shared their experiences with gathering plants on federal land. The study found that barriers to harvest (e.g., gates, closed roads, and requirements for obtaining permits) were compounded by inconsistent co-management arrangements between tribes and federal land agencies. These barriers and complications combine to make gathering difficult. Our findings indicate that expanded efforts to understand the exercise of tribal reserved rights to gather on ceded lands are warranted.

Keywords: Native American, basketry, harvest rights, forest management, Pacific Northwest, weaving.

## Summary

Native Americans who wish to harvest forest plants for traditional uses experience difficulties in gaining access to federal lands. This project identified site access and harvest issues, documented the impact of these issues, and identified possible strategies to ameliorate barriers. The research methodology involved a review of published literature on site access and resource harvest issues and interviews with Native American traditional users of plant resources. Key issues, identified in both the reviewed literature and discussions, were physical barriers (such as gates and closed roads), difficulties with the permitting process, inconsistent relationships between forest managers and tribal communities, underdevelopment of co-management arrangements, and the negative impact of commercial forest industries on desired plant resources. These barriers to sustained relationships with plants on ancestral lands negatively affect the ability of tribal members to practice and transmit cultural knowledge and to create culturally valued objects. The federal government and its agencies have a trust responsibility<sup>1</sup> to tribes that includes protecting reserved rights to gather on lands now under federal jurisdiction; thus barriers to traditional plant harvesting potentially infringe upon the exercise of those rights. Key suggestions from respondents include education for all federal lands agency staff on tribal sovereignty, the trust relationship, and specific tribal histories; an embrace of consultation practices and protocols that operationalize policies that are already in place in the U.S. Department of Agriculture Forest Service; and the development of meaningful cooperative arrangements such as memoranda of understanding, memoranda of agreement, and co-management agreements that incorporate Native knowledge and rights to biocultural resources. Additional research focusing upon how barriers are being overcome or the factors that lead to successful federal-tribal collaboration is very important to resolving the issues identified. Specifically, research is needed to understand how meaningful cooperative arrangements can be developed and to identify the factors leading to successful tribal-federal government co-management agreements.

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<sup>1</sup> Congress and the courts acknowledge a trust relationship between the federal government and Native American tribes. The federal–Native American trust responsibility is 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 v. United States*, 1942). This obligation was first discussed by Chief Justice John Marshall in *Cherokee Nation v. State of Georgia*



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## **Introduction**

### **Background**

The Civil Rights Action Group (CRAG) of the USDA Forest Service Pacific Northwest Research Station funded a study in 2012 of forest site conditions associated with the leaf quality of beargrass (*Xerophyllum tenax*) suitable for use in tribal basketry (Hummel and Lake 2015). Participants in the CRAG study included weavers with various tribal affiliations and weaving traditions in California, Oregon, and Washington. Results advanced understanding of relations between traditional and scientific ecological knowledge for classifying beargrass harvesting sites. For example, good sites for harvesting beargrass leaves for traditional basketry were those that contained fewer, larger trees and less coarse dead surface wood than did poor sites and the variation in desirable leaf color was lower on good sites than on poor ones (Hummel and Lake 2015). During the study, two issues concerned tribal harvesters who were assessing the quality of sites as sources of beargrass for weaving: access to the site and conditions at the site itself. Only the second issue was explicitly addressed by the original CRAG study. Learning more about site access issues for culturally important plants harvested by tribal members was thus identified as a topic for subsequent investigation. The lead scientist of the original study asked Mary Schlick, a family friend and author of *Columbia River Basketry: Gift of the Ancestors, Gift of the Earth* (Schlick 1994) to recommend a suitable scholar. Accordingly, Dr. Rebecca Dobkins, a professor of anthropology at Willamette University (WU) and curator of Native American art at the university's Hallie Ford Museum of Art, was chosen to undertake the current project. Dobkins is a cultural anthropologist who has worked on exhibitions and public programs with Northwest basketweavers since 1997. The Hallie Ford Museum of Art has a significant collection of historical (fig. 1) and contemporary (fig. 2) Native American basketry, which serves as an important asset not only for WU Department of Anthropology faculty and students, but also for regional Native American communities.

The museum has an interest in supporting ongoing tribal access to natural resources for use in weaving arts, and that interest is manifested in the museum's endowed George and Colleen Hoyt Native American Weaving Arts Acquisition Fund, which is used by the museum to purchase (and thus promote) contemporary weaving. Contemporary weaving uses traditional materials and techniques in new designs (fig. 3).



Dale Peterson

Figure 1—Storage basket (plaited), late 1800s, artist unknown (Puget Sound region), undyed and mud-dyed (dark brown) cedar bark (*Thuja plicata*). The Edwin C. Cross Collection, gift of Veda Cross Byrd, Hallie Ford Museum of Art, Willamette University, Salem, Oregon. NA 274.



Dale Peterson

Figure 2—XeP'y' MeHoy' (Cedar bark hat) (plaited), 2005, William A. James (Lummi), redcedar bark (*Thuja plicata*), eagle feather. Purchased through the George and Colleen Hoyt Art Acquisition Fund, Hallie Ford Museum of Art, Willamette University, Salem, Oregon. 2007.004. James (b. 1944) is a Lummi weaver from Bellingham, Washington, and a member of the Northwest Native American Basketweavers Association. His work and teaching have inspired countless people to take up the art of basketry.

## Project Objectives

This project sought to advance knowledge of the current circumstances and issues related to access to federal lands by Pacific Northwest tribal members for the purpose of harvesting plants of cultural interest. Our specific goals were to (1) identify site access and harvesting issues encountered by Native American traditional users of plant resources, (2) document how these issues affect Native American traditional users (such as those issues that impede the creation of culturally valued objects or the teaching of traditional plant knowledge and weaving technologies), and (3) develop further understanding of Native American site access and resource harvest issues on federal lands in the United States. This report describes the methods and outcomes for each of these objectives.



Frank Miller

Figure 3—Mortarboard (plaited), 2013, Theresa Parker (Makah), cedar bark (*Thuja plicata*), shell, leather, eagle feather, bone/metal beads. Purchased through the George and Colleen Hoyt Art Acquisition Fund, Hallie Ford Museum of Art, Willamette University, Salem, Oregon. 2007.004. Parker, of the Makah Tribe of Neah Bay, Washington, learned to weave beginning at the age of five. She credits her grandmothers and mother with being her first teachers and serves on the board of directors of the Northwest Native American Basketweavers Association.

## Personnel and Methodology

Under Dobkins' direction, Ceara Lewis was given the role of primary field researcher. Lewis, a 2013 WU graduate who majored in anthropology, is an enrolled Aleut tribal member and novice basketweaver. Dobkins and Lewis were assisted by Emily Dickey, a 2010 WU graduate and anthropology major, who undertook an initial literature review. The project methodology was twofold. One method was a review of published literature on site access and resource harvest issues encountered by tribal members, with a focus on federal lands. The other method consisted of interviews with Native American traditional users of plant resources. Dobkins began the project by recruiting Lewis and by talking with Alfred "Bud" Lane III,

president of the board of the Northwest Native American Basketweavers Association (NNABA). Lane, whose weavings are in the Hallie Ford Museum of Art collection (fig. 4), had participated in the original CRAG study. Dobkins and Lewis wrote and submitted a research proposal that was reviewed and approved by the Institutional Review Board of WU and by the Tribal Council of the Confederated Tribes of Siletz Indians, in its role as the governing body of Lane's home community.

The NNABA board encouraged its members to participate in this project by granting interviews with Lewis, who sought informed consent from each participant. Contact with tribal weavers was made through the NNABA e-mail Listserve and through Lewis's attendance and participation in weaving workshops sponsored by NNABA and its members in 2013 and 2014. Interviewees were identified through snowball sampling, a method in which an initial contact provides access to additional participants, who in turn lead to an expanding network of contacts. Lewis conducted most interviews in person at such workshops, where she also learned



Dale Peterson

Figure 4—Xee-tr'at (Woman's cap) (wrapped twining), 2001, Alfred "Bud" Lane III (Siletz), spruce root (*Picea sitchensis*; light brown) and hazel (*Corylus cornuta*) with beargrass (*Xerophyllum tenax*) (white) and maidenhair fern (*Adiantum*; dark brown) overlay. Purchased through the George and Colleen Hoyt Art Acquisition Fund, Hallie Ford Museum of Art, Willamette University, Salem, Oregon. 2002.007. Lane (b. 1957), from Siletz, Oregon, describes such caps as "one of the most instantly recognizable ceremonial items that our women wear." Lane is currently president of the board of the Northwest Native American Basketweavers Association.

weaving techniques from experienced weavers. Additionally, Lewis conducted two interviews with weavers she contacted through a 2014 Native arts workshop offered by the extension program of the Northwest Indian College of Bellingham in which she was enrolled as a student. Lewis's participation as a student in the workshops facilitated her rapport with interviewees. Further, to gain a firsthand understanding of harvesting issues, Lewis accompanied a group of Oregon and Washington tribal members to the Mount Hood National Forest to harvest cedar bark in 2014.

The semi-structured interviews were based upon a discussion guide of open-ended questions (see app. A) that elicited descriptions of the barriers to access and harvest and the impacts of those barriers upon tribal members, as well as some recommendations for resolution of these issues. The duration of interviews ranged from 15 to 45 minutes; they were conducted in English, and were recorded by Lewis through written notes (all) and digital audio recording (some). These descriptions were coded and analyzed for their content; the identified categories are presented in this report.

Twenty-nine tribal members, affiliated with nearly 20 Northwest tribes<sup>2</sup>, were interviewed by Lewis. The region in which the participants harvest plants includes the states of Idaho, Oregon, and Washington (fig. 5), on lands administered by the USDA Forest Service and other federal agencies. Each interviewee spoke as an individual, not as an official representative of a tribal community or tribal government, or of NNABA. Thus the information presented here is not the official position of any of those entities. In this report, to maximize confidentiality, no identifying information is attributed to a specific person, although each interviewee did grant permission to have his or her name used in the report in the informed consent process.

## Data Limitations and Report Outline

This qualitative research was designed to identify general concerns and specific issues regarding tribal members' experiences of barriers to site access to culturally significant natural resources on federal lands, as understood through the perspectives of tribal members themselves. The interviews were exploratory in nature and the resulting data are accordingly limited in scope. Although the data set is adequate for the findings we describe in this report, more extensive data collection could confirm or contradict these findings and may reveal others. For example, neither geographic nor tribal representations were comprehensive in our data and thus the findings cannot be considered to represent the experience of all tribal

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<sup>2</sup> The 29 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 also self-identified as having heritage from more than one of these tribes and/or from tribes outside the Northwest.

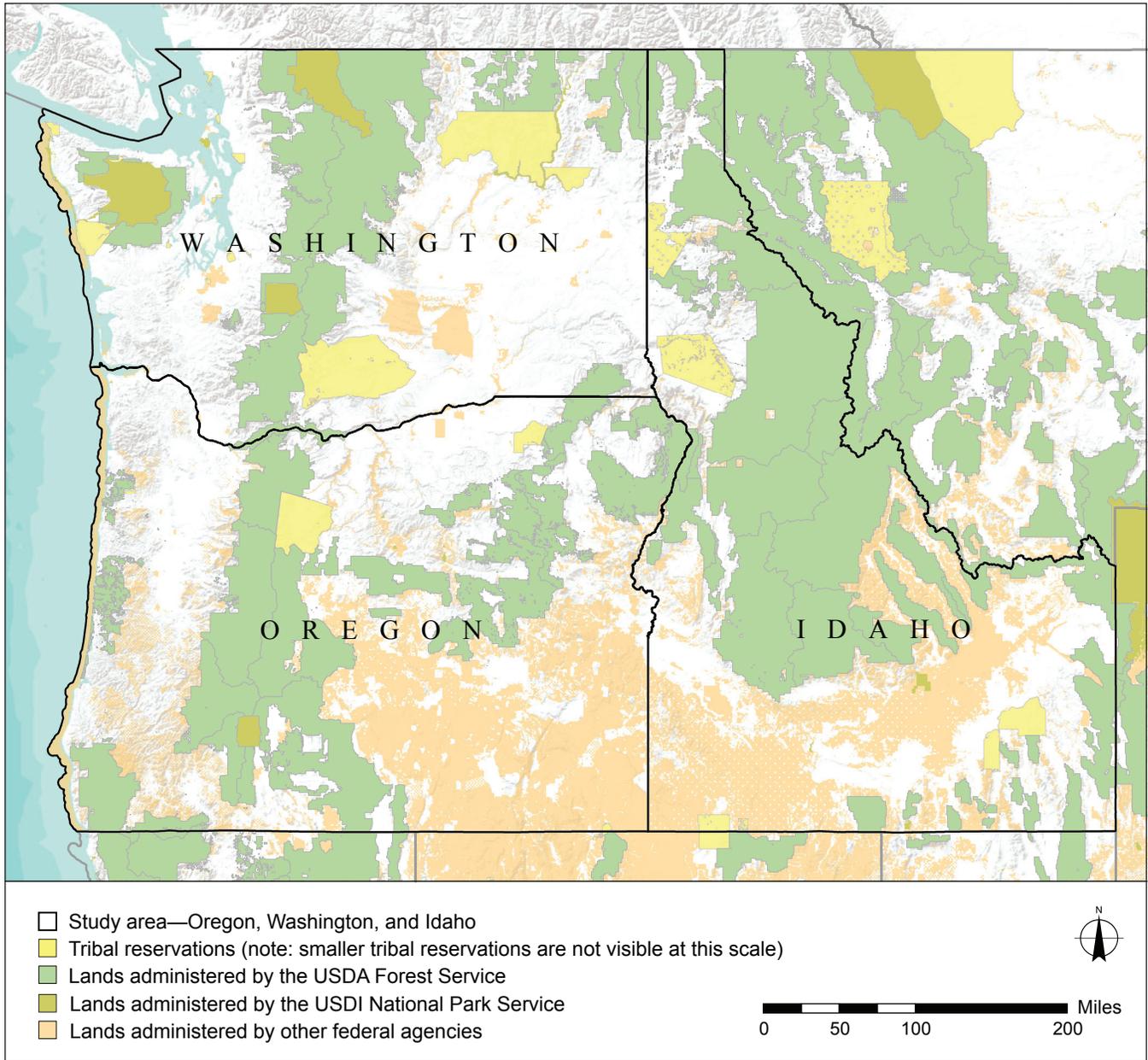


Figure 5—Members of the Northwest Native American Basketweavers Association who contributed to this study reported affiliations with tribes in Idaho, Oregon, and Washington and experiences harvesting plants on federal lands in these states, including those administered by the USDA Forest Service.

harvesters in the Pacific Northwest. In this report, we first provide an overview of published research addressing site access and resource harvest issues encountered by tribal members, with an emphasis on site access to plant resources on federal lands. Then the qualitative data from the interviews are interpreted. We conclude with some recommendations culled from participants and some possible strategies to ameliorate the barriers reported in our findings.

## Review of Literature on Site Access and Resource Harvest Issues

### Overview

This literature review provides an overview of published research addressing site access and resource harvest issues encountered by tribal members, with an emphasis on site access to plant resources on federal lands. Although research focusing specifically on these issues is limited, there is a significant body of research on site access and resource harvest issues in national parks (Bowman 1998, Deur and Turner 2005, Notzke 1995, Peña et al. 2004, Ruppert 2003, Thornton 2010), integration of traditional and local ecological knowledge into conservation projects (Anderson 2013, Charnley et al. 2007, Deur and Turner 2005, Notzke 1995, Shebitz et al. 2009), and harvest of non-timber forest products (NTFPs) for commercial as well as traditional uses (Krech 2005, Lynch and McLain 2003, Middleton 2011, Pilz and Molina 2002, Turner and Cocksedge 2001). In addition, a select number of USDA-produced reports address aspects of NTFP access, management, and harvest (Lynn and MacKendrick 2011, Natural Resources Conservation Service/Native Practices Work Group 2010, Office of Tribal Relations 2014). These related areas of research provide additional insights on site access and traditional plant harvest issues faced by tribal members on federal lands.

### Barriers to Access

#### Physical—

Fences and gates pose a practical barrier to tribal harvesters. Harvesters report being particularly discouraged by the fencing and gating of lands that were previously open to public use (Charnley et al. 2007: 21, Lynch and McClain 2003: 25, 28). These physical barriers also represent a symbolic barrier to access to ceded lands, especially in national parks where preservation can conflict with indigenous perspectives on resources, which understand such natural resources to be used, lived with and worked with, as part of an ongoing relationship, not merely “managed” or “protected” (Bowman 1998, NRCS/Native Practices Work Group 2010: 3, Thornton 2010: 110–111).

#### Permits—

Permits can represent a barrier to access for tribal members attempting to harvest natural resources on federal lands. The fact that multiple entities control the use of forest lands—state and federal agencies, U.S.-tribal treaties, international treaties, private landowners, and city and county ordinances—leads to confusion among both tribal and non-tribal harvesters when they attempt to navigate

bureaucratic permitting systems (Cohen 2005: 17–29, Lynch and McLain 2003: 21–30, 33–45). In the Northwest, the perceived ambiguities in jurisdiction over forest lands, combined with inconsistent enforcement of penalties for unpermitted harvesting by non-tribal users, have led to overall discouragement with the existing permitting system (Lynch and McLain 2003: 23, 28). The practical difficulties of distinguishing between treaty and non-treaty users add to permitting and access regulation challenges and have led to court-affirmed requirements that treaty harvesters carry tribally issued identification, even in the face of tribal legal challenges to such requirements as restrictions upon the exercise of rights (Cohen 2005: 18). A notable innovation in regulatory practices occurred in Michigan, where the 2007 Inland Consent Decree signed between five Michigan tribes, the United States, and the State of Michigan recognizes the tribes' right to hunt, fish, and gather on ceded lands under the "oversight of tribal rather than state regulators" (Greci Green 2013: 219).

Elements of the state and federal permit systems such as uneven enforcement of unregulated harvesting by the public and the increased volume of harvesting by the floral greens industry have increased the difficulty tribal members have in gathering traditional resources. Another significant barrier posed by permits is cost, which may be financially inhibiting or even prohibitive. Additionally, increased permit cost may lead to an increased likelihood of unregulated harvesting by the public, as nontribal harvesters seek to avoid payment of permit fees (Lynch and McLain 2003: 21, 24, 43–45).

#### **Federal personnel and institutions—**

The surveyed literature reports that tribal members experience inconsistent understanding or valuing of their right to access traditional resources by park rangers and forest managers. This inconsistency contributes to a lack of trust as well as increased difficulty in tribal members' navigation through permitting systems. Good relationships with park rangers and forest managers are valued by tribal members as an important part of a positive access experience, but are not something that can be taken for granted. Communication between tribal members and federal land managers is undermined by the latter's inconsistent awareness of tribal members' perspectives, needs, and rights to harvest (Charnley et al. 2007: 17, Ruppert 2003, Thornton 2010: 108). Staff turnover and reassignment can further exacerbate these issues in federal management agencies (Lynn and MacKendrick 2011: 14). Additionally, the use of scientific language, which represents a barrier for lay people as well as tribal members hesitancy about sharing their cultural traditions with outsiders constrains harvester input to official resource management processes (Lynch and McLain 2003: 29, 30). Increasing trust and communication

could lead to collaboration and co-management, which in turn could reduce barriers to access, cultivation, and harvesting of resources on federal lands, as has happened in California with the efforts of the California Indian Basketweavers Association to work with state and federal land management agencies since the 1990s (Anderson 2005: 305–333, Kallenbach 2009).

Strong relationships between individual park rangers and tribal members, and well-developed institutional relationships such as cooperative arrangements in the form of memoranda of understanding (MOUs), memoranda of agreement (MOAs), or co-management plans, increase the ability of tribal governments to have a voice in resource management procedures developed by state and federal agencies. Jentoft argued that “empowerment is what co-management is all about” and that its practice “requires social work—at least in the broad sense of the term—as it builds new social roles and relations,” requiring significant time and energy (2005: 1). This need for ample time and energy is necessitated by mistrust that has accrued over generations; in other words, the history of poor communication both causes and perpetrates barriers to the integration of indigenous perspectives. Relationships between tribal entities and state and federal resource managers have historically been “characterized by one-way communication, dominant-subordinate relations, and the imposition of non-Indian methods of interaction” (Ruppert 1994: 10). The relationship-building processes integral to cooperative arrangements—and the implementation of such agreements—have the potential to address the “lingering mutual distrust and misunderstanding born of the acrimonious disputes that hunting and fishing controversies have engendered” (Cohen 2005: 47). As Cohen notes, cooperative agreements, compacts and co-management arrangements offer potentially less costly and more immediate solutions than litigation (2005: 47). One historical example of such a mechanism in the Pacific Northwest is the 1932 Handshake Agreement between the Yakama Nation and the U.S. Forest Service that reserved 3,000 ac of huckleberry fields for Indian harvesting in the Gifford Pinchot National Forest (GPNF) in recognition of off-reservation gathering rights. This agreement was informally enforced until it was officially affirmed by the 1990 Land and Resource Management Plan for the GPNF (Fisher 1997: 214). The agreement has been meaningful because of the Yakama tribal members’ “continuous dialogue with local Forest Service officials” over decades, their persistent assertion of treaty rights to gather huckleberries without interference from non-Indians, and the Forest Service’s willingness to recognize and accommodate these rights (Fisher 1997: 188).

The GPNF-Yakama case offers a historically significant example of dialogue and cooperation that in turn shines a light upon the need to designate and train agency staff to develop the skills to reconcile divergent perspectives, increase effective communication, and facilitate productive collaboration (Keller and Turek 1998, Ruppert 1994: 11). A more recent example in the Pacific Northwest is the 2007 MOA signed between the Tulalip Tribes and the Mount Baker-Snoqualmie National Forest that facilitates the exercise of tribal hunting and gathering rights in the 1.7-million-acre forest east of the Seattle metropolitan area. The MOA “lays out a framework for increased communication and collaboration in areas such as planning, policy making, and sharing of technical expertise and data, to provide stewardship and conserve the natural resources that the Tribes value and depend upon.” At the procedural heart of this framework is an annual open forum that reinforces the partnership (Rios 2015). In addition to a need for individuals specializing in “cultural brokerage” among national forest and national park staff, there is a need for an increase in knowledge of “a general framework for understanding Native American cultures and issues” and a “greater familiarity with treaty rights” (Crespi 1983 as cited in Peña et al. 2004: 4).

#### **Commercial forest industries—**

As currently practiced, commercial timber and NTFP harvesting can reduce access to plant resources with the qualities desired by traditional harvesters. Particularly since the 1990s, the floral greens industry has had a growing impact upon public lands, leading to increased tension with those exercising their treaty rights to access traditional resources (Lynch and McLain 2003). Specifically, increased harvesting of NTFPs by pickers selling to the floral greens industry, combined with logging and herbicide use, has made it harder for tribal members to locate resources on lands where they share permitted access with commercial pickers (Lynch and McLain 2003: 21). Tribal governments often are peripheral players in the development of legal and economic policies about such labor issues, even though from a tribal perspective these policies have a direct impact upon the exercise of reserved rights to off-reservation lands and resources, logically making tribes key stakeholders (Lynch and McLain 2003: 40–49).

The timber industry poses additional challenges to maintaining the biodiversity of forests in that the industry is likely to focus on a subset of plants related to timber harvest. Pacific Northwest tribal members traditionally used about 300 different plants for food, medicine, and technology. Many of these plants were used for multiple purposes (Deur and Turner 2005: 13). The contemporary timber industry’s focus upon a limited number of species has had a perhaps unintended consequence of impinging upon tribal access to the full range of historically harvested plants (Charnley et al. 2007: 15).

## Resource Harvest Issues

### **Environmental degradation and treaty-reserved gathering rights—**

Environmental damage to forests creates a barrier to tribal access because it diminishes the quality and quantity of resources available. Additionally, tribal members versed in traditional harvesting practices have noted that shifts in growing seasons attributed to climate change may dramatically change the timing of resource availability, thus requiring changes in their practices (Ruppert 2003, Shebitz et al. 2009: 317). These impacts raise the issue of habitat protection for plant resources that are subject to reserved gathering rights guaranteed or implied by treaties or other legal mechanisms such as executive orders or Congressional statutes. Although in federal Indian case law “courts have not yet definitively determined whether off-reservation reserved rights include the right to habitat protection for the species subject to the rights,” in 1980 a district court in the state of Washington ruled that “the right to fish included a right to habitat protection” (Cohen 2005: 16–17). This ruling was based on the argument that “the most fundamental prerequisite to exercising the right to take fish is the existence of fish to be taken” but was later vacated by an *en banc* panel of the federal Ninth Circuit Court of Appeals on the basis that it was imprudent in the absence of empirical data in a specific case (Cohen 2005: 17). Although only the Washington state court has “expressly found habitat protection as an implied right,” several courts have indicated a “willingness to consider habitat a necessary part of tribes’ reserved treaty rights” (Cohen 2005: 17). Goodman argued that tribes have rights to off-reservation co-management of habitat in order to ensure the “maintenance and well-being” of “fish to be harvested, game to be hunted, and plants to be gathered,” in other words, to protect the exercise of their off-reservation hunting, fishing, and gathering rights (2000: 281–282).

One of Lynch and McLain’s key findings in their study of NTFP access and management on the Olympic Peninsula is that “tensions exist over tribal access to NTFPs off reservation, for subsistence, ceremonial, and commercial use” among private, state, federal, and tribal landholders (2003: 52). Although such rights are as yet untested in the courts (as compared to fishing rights), given increasing scarcity of and competition for such resources, the authors anticipated that tribes could make successful claims for commercial as well as cultural NTFP harvesting rights in the future, strengthened by historical anthropological evidence that such natural resources were traded as commodities at the time of European contact and colonization (Lynch and McLain 2003: 52; see also Turner and Cocksedge 2001 for potential tribal commercial uses of NTFPs).

Although the courts to date have left unanswered the question of off-reservation gathering rights and associated habitat protection, the literature demonstrates that tribal members experience environmental degradation, such as changes in the availability and quality of resources and their habitats, shifts in growing seasons resulting from climate change, and the use of pesticides and herbicides, as barriers to accessing and harvesting resources.

**Impediments to traditional cultivation, nurturance, and management of resources—**

Ruppert described the “unintended conflicts of perception” existing between forest management policies based in conservation biology and indigenous management approaches based on human interaction with ecosystems (2003: 263). The contrast between these models is—broadly speaking—between a conservation paradigm that restricts human interactions with a goal of preservation and an indigenous one that posits that “active human manipulation [is] necessary for maintaining the ecological integrity of forests” (Charnley et al. 2007: 17). This points to another major barrier faced by tribes that may go unrecognized by land managers: restrictions upon tribal members’ ability to manage resources actively prior to harvesting them. Underlying this conflict is a general lack of understanding regarding indigenous peoples’ long-term relationships with land and legacies of management spanning thousands of years (Anderson 2013, Baldy 2013, Notzke 1995: 190, Peña et al. 2004: 5, Ruppert 2003: 10). This failure to recognize or perceive such relationships renders invisible indigenous systems of ecological and cultural knowledge (Watson 2013: 1085). Restricted ability to manage or co-manage resources also results from inadequate opportunities for tribal harvesters to voice their concerns, knowledge, needs, and opinions in resource management policies set by state and federal agencies. Often, if such a venue for collaborative communication does exist, tribal members are offered consulting rather than actual decisionmaking roles (Notzke 1995: 190). The right to participate in decisionmaking about the management of resources has moral as well as pragmatic dimensions, in that ensuring the long-term sustainability of the environment is understood by many tribal people as being a spiritual responsibility (Anderson 2013: 309–333, Charnley et al. 2007: 17, Thornton 2010: 108). Incorporating indigenous knowledge may promote the understanding of ecosystems and its application may assist in the restoration of damaged lands, ultimately facilitating broader recognition of and respect for Native knowledge systems (Anderson 2013: 334–364, Kenney 2012, Thornton 2010: 114) .

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**When tribal partners are involved in the management of traditional lands and resources ecological and cultural resources are potentially strengthened, revitalized, and protected.**

For indigenous people, restricted ability to manage resources using traditional ecological knowledge and to exercise an ongoing relationship with those resources not only reduces the quality of the resources but also threatens the vitality of the bodies of traditional ecological knowledge that make this management possible. This is because traditional ecological knowledge must be actively practiced, adjusted to be responsive to ever-changing local ecological contexts, and passed on through hands-on demonstrations in order to thrive and maintain its relevance and utility (Charnley et al. 2007: 21). Taking this logic a step further, when the practice of traditional ecological knowledge is restricted or suppressed, the transmission and vitality of tribal cultures is similarly impaired. And, inversely, when tribal partners are involved in the management of traditional lands and resources, ecological and cultural resources are potentially strengthened, revitalized, and protected (Baldy 2013: 2, Ruppert 2003: 261).

In summary, the published literature reveals a variety of barriers to access for tribal members who attempt to gather traditional plants. Although the scope of this report is intended to focus on access to plant resources on federal lands, this distinction may not be as relevant to tribal members, thus the findings presented below will include discussion of issues facing harvesters on a variety of lands. This is indicative of one of the overarching barriers present in research participants' responses: a lack of clarity about how lands are designated and the different procedures for accessing different categories of lands.

## **Data Analysis and Findings**

### **Approach**

This section presents the experiences of 29 Pacific Northwest tribal members who were interviewed for this study. All are involved with traditional basket-weaving arts as weavers or gatherers of weaving materials; additionally, many practice a variety of traditions, including tending, harvesting, and processing traditional foods and medicines. Lewis spoke with 21 women and 8 men. Seven are Oregon residents, 21 are Washington residents, and 1 is an Idaho resident. Lewis attended the following: the NNABA 19<sup>th</sup> Annual Gathering in Lewiston, Idaho, hosted by the Nez Perce Tribe (October 2013) and Weavers Teaching Weavers gatherings associated with NNABA members at the Tamastslikt Cultural Institute on the Confederated Tribes of the Umatilla Indian Reservation (March 2014), at Northwest Indian College in Bellingham, Washington (April 2014), and at the Chehalis Tribe's Great Wolf Lodge in Grand Mound, Washington (May 2014). Lewis asked about the types of resources collected, types of lands accessed, experiences with barriers when gathering, and attempts to address those issues by the weaver or any other party, such as the tribe or the agency managing the land.

The issues discussed by these individuals largely echo the literature but reflect the viewpoints of individual tribal members. Their perceptions are crucial to understand because they shape the personal experience of tribal-federal relationships and thus impact tribal members' exercise of rights to ceded lands for purposes of cultural activities such as gathering. In other words, perceptions matter because they reveal areas of cooperation and conflict and shape future possibilities. Narratives about difficulties with access persist and circulate long after official agency policy may change, as, for example, it did with the 2004 creation of the Office of Tribal Relations within the Forest Service, designed to promote government-to-government consultation and collaboration. Even with such institutional commitment to tribal relations, agency-wide cultural change is slow and characterized by challenges as well as opportunities (Office of Tribal Relations 2014: 44–45).

### **Physical Barriers to Access**

Physical barriers are material impediments to access that tribal members face when attempting to gather resources. Interviewees report locked gates and inadequate road maintenance as examples of physical barriers. Four interviewees listed locked gates as a barrier (Tribal Members 1, 3, 4, 5). These locked gates caused problems such as having to walk long distances from a vehicle to get to gathering locations (Tribal Member 5) and having to arrange to be let into the gates, only to drive in and then have the vehicle locked in later in the day (Tribal Member 1). Another interviewee described being kept from a traditional gathering place because the Forest Service put up roadblocks to keep out public users who might damage lands with four wheelers and trucks, but this in effect also barred her party from gathering at the site (Tribal Member 4). She described her frustration, explaining that this practice means that traditional gathering places become difficult for tribal members to access even if that was not the intent (see Lynch and McLain 2003: 24–25 for similar sentiments from nontribal pickers). One interviewee (Tribal Member 3) described the effects of federal budget cuts on access, linking decreased road maintenance to a lack of federal funds. He explained that when roads are not maintained, he no longer has access to gathering sites, so in practice the agencies are limiting access (see Lynn and MacKendrick 2011: 25 for expression of concern about the impact of Northwest Forest Plan-related road closures on treaty rights).

### **Permits As a Barrier to Access**

Permit and permitting systems create non-physical barriers to access for Native people from several angles. The first is a monetary burden: interviewees spoke negatively about paying for permits to gather in state and national parks (Tribal Member 6), having to purchase an annual Discover Pass to access Washington state

park lands (Tribal Members 1, 8, 9), paying for “expensive permits” (Tribal Member 10), and paying fines when permits were not obtained (Tribal Members 11, 12). In addition, one participant identified as a financial burden the requirement to pay for parking or entrance permits to national parks and other federal properties when attempting to exercise treaty-guaranteed gathering rights on ceded lands. This interviewee reported that her tribe was discussing the possibility of creating an MOU with agencies to exempt tribal members from such requirements (Tribal Member 6).

More frequently cited than cost, however, was the burden that permit-system bureaucracies place on gatherers. Six interviewees relayed the perception that there is often a lack of transparency about the process of getting permits and the location of allowed gathering sites. One interviewee (Tribal Member 10) shared an experience in which a Forest Service ranger attended a weavers gathering in 2013, talked with traditional gatherers, and explained to one gatherer that a policy was in place to exempt tribal members from the requirement to carry permits. The ranger promised to send the information via email, but the tribal member never received it, thus further eroding trust and adding to uncertainty about official policy. Gatherers expressed general confusion about the permitting process, including uncertainty about where to get a permit (Tribal Members 1, 7, 8, 9) and confusion as to what is and what is not federal land, owing to inadequate signage (Tribal Member 13). Other gatherers described frustration with a lack of clear, accessible, and streamlined information about permitting processes, particularly as they pertain to different land designations. One gatherer stated that she wants a single contact number for federal agencies and state natural resources departments to call and obtain information about permitting and access processes (Tribal Member 14). She expressed frustration with the inconsistency of this information and with navigating federal, tribal, city, and state regulations and systems. She explained that ideally she would have “a piece of paper that would tell me you can go here and you’d have to pay a permit fee of this much, and you could go on this day to this date. You know if I had something outlined...if I knew exactly what I could and couldn’t do, it would be fine with me.”

Many others referenced this challenge of navigating the systems of multiple agencies. Tribal Member 6 described her experience as follows: “There’s [the] barrier of having to find the right office to go out and get permission to gather. We still go through the process even if it takes three or four offices or locations and sometimes the office may be down...in Bellingham or we have to go up into the Cascades to a park office up there, and we still do it. We still do the application, because it’s just something that we feel we need to do, because it’s part of our life, so we still do it.” In the common case that Tribal Member 6 describes, the difficulty

of communicating with multiple and not necessarily synchronized offices poses a burden in the form of time and travel costs. Tribal Members 11 and 12 report that gaining permission to gather can be a slow process and that gatherers often have to go through tribal, Forest Service, and other federal government offices, each of which seems to have a different procedure. These processes are not streamlined and can be difficult to understand.

Overall, the time, energy, and frustration spent on gaining permission to access are viewed as significant barriers (Tribal Member 6). Adding to this is the limited time duration of permits. Several interviewees described working on initiatives to increase the length of permits. Examples of this include an initiative to extend the term of gathering permits from 1 to 5 years (Tribal Members 11, 12) and a suggestion for a process by which a tribal member would have only to show a tribal identification card to get a 10-year permit (Tribal Member 3). Another potential solution that several participants suggested was allowing tribal members to use tribal identification cards as proof of their right to gather in lieu of obtaining a permit (Tribal Members 6, 15), a practice reportedly in place in some situations.

Almost all respondents expressed frustration with current permitting systems; however, four respondents were opposed to any permitting system, even if it were more streamlined, as they assert it represents an infringement on intrinsic sovereign and treaty rights to gather in traditional ways. Respondents such as Tribal Member 16 perceive that the official expectation to carry a permit has intensified over the years, with resulting encroachment on traditional practices. She explained that one now needs a permit to be able to gather, whereas as a child she simply went out and gathered with family members. She also connected the increase in rules and permits with a decrease in numbers of Native people who go out to gather. She explained that the added hassle of permitting systems has caused a decrease in the numbers of family groups who go out to gather, which in turn limits the transmission of intergenerational knowledge. Tribal Member 13 expresses a similar frustration with having to verify that she is Native; she feels that she and other tribal members should have the right to pick and gather without permits, because “it’s what we’ve always done.” Tribal Member 15 echoed this sentiment, saying that tribal members should not need permits to access their usual and accustomed places.

Even in situations where permitting systems exist as a result of MOUs and have been outlined and approved by tribal governments, such permitting requirements may still have negative effects on individual tribal members. Tribal Member 17 argued that MOUs may in essence negotiate away tribal members’ rights to gather freely and that many tribal members chafe under the perception of any restricted access. She further explained that while federal agencies and tribes have come to

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**The time, energy and frustration spent on gaining permissions to access are viewed as significant barriers to harvest.**

agreements about permitting systems, tribal members may not want to have to go through the step of obtaining a permit; they want to be able to collect whenever they want. Having the ability and flexibility to collect when one wants may become even more important as changing temperature and moisture patterns affect culturally important plants. For example, 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” (Tribal Member 6). Plants may be ready months earlier in the year than they were in prior decades of a harvester’s lifetime; having to stop to get a permit first may be experienced as compounding the negative impact of these changes.

Finally, it is important to note that some participants (Tribal Members 3, 25, 26) report positive experiences with the permit process and good relationships with local Forest Service staff, particularly when those relationships include regular face-to-face communication about the availability and condition of traditional plant resources. Other participants bypass the issue of access to public lands by primarily gathering on tribal lands or family or private property (Tribal Members 6, 19, 29). However, this is not a viable option for some harvesters, depending upon their distance from their home reservation, the size and resource quality of the reservation land base, and the reservation’s history of allotment and resultant checkerboarding of parcels into different categories of ownership, including that by non-Native people (Lynch and McLain 2003: 43–44).

## Relationships With Park Rangers and Forest Managers

Ten participants spoke to the issue of inadequate relationships between Native peoples and state and federal land managers and their agencies. Participants told of difficulties with relationships on institutional levels, referencing a lack of structured cooperative agreements, and strained, negative, or mistrustful relationships on a more individual level between gatherers and individual Forest Service agents in the field. The negative qualities of some relationships are products of long-standing historical forces beyond the control of the individual actors involved in contemporary interactions.

Many of the barriers outlined thus far in this report are exacerbated by inadequate communication between representatives of tribes and federal land management agencies. Tribal Member 18, for instance, identified the absence of a dialogue between agencies and tribes as the biggest obstacle to accessing traditional resources. Tribal Members 11 and 12 pointed to the common breakdown of this dialogue, citing a lack of communication as one of the reasons they perceive the Bureau of Land Management as being difficult to work with. Tribal Member 3

outlined the difficulty of having to negotiate different MOUs with each agency and gave the example of one tribe's uneven relationships with different Forest Service offices in its state, with some officials being helpful while others were not. This respondent wondered aloud why there couldn't be more communication and consistency across the agency.

Tribal Members 3 and 17 both spelled out how genuine co-management could address the difficulty of these underdeveloped relationships and their resulting tensions. Tribal Member 3 asserted that there needs to be a commitment to co-management and explained how functioning co-management relationships could create a level of trust that would allow for a decrease in permitting system requirements. By co-managing land and developing trust, tribal gatherers could eventually go out without the burden of permits and without having to inform the agencies of their every move, something that would go a long way in improving relationships and access. Tribal Member 17 also discussed the difference between a protocol and a policy, stating that a policy is something that spells out rules and regulations while a protocol is a process by which an agency genuinely engages with a tribal community, including employing designated staff members who are committed to understanding the specific treaty rights of the tribes they are working with, something agencies are directed to do by policy (see for example, Farley et al. 2015 for a Forest Service "roadmap" for how to engage tribes on research matters). Tribal Member 3 also described a lack of structured cooperative relationships as a factor in creating barriers to access, stating that staffing for co-management needs to be built into agency personnel structure.

One major factor that contributes to difficult relationships is the perceived lack of understanding about treaty rights and Native perspectives on the part of agency personnel. It is understandably difficult for forest managers to ensure clear and unfettered access to gathering when these personnel may not have a full understanding of the rights they are expected to uphold. Respondents asserted that agency personnel should have a basic understanding of their role in the federal trust obligation relationship outlined by the treaties. Several respondents described being discouraged by the lack of knowledge on the part of public lands staff about their 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, describing this process of repeatedly explaining these rights as a "sell job" (Tribal Member 1). One respondent (Tribal Member 2) humorously offered an account of how, when rangers ask for a permit, he responds by shaking his braids at them, momentarily confusing them, then explaining the braids represent his "right" to gather.

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**Agency personnel should have a basic understanding of their role in the federal trust obligation relationship.**

Extending from incomplete understanding of treaty rights is a lack of understanding regarding Native perspectives on gathering, land management, and relationships to plants more generally. This absence of understanding is perceived by the tribal members interviewed to pervade public lands agencies predominantly staffed by non-Natives and engenders miscommunication that results in unintended barriers to access. Respondents generally viewed public land managers as having different conceptualizations of human engagement with the forest and a lack of awareness of the history of Native peoples' relationships with the land and federal and state governments. Tribal Members 3 and 17 spoke to the pressing need for federal land management agencies in particular to more fully engage with tribes, stating that agency personnel need to know specific tribes' history, treaties, management practices, lifestyles, and beliefs. Tribal Member 1 further supported the need for the Forest Service to engage in more thorough and interpersonal engagement with tribal members, giving an example of the discrepancy between the often cordial controlled and scheduled meetings between tribal members and Forest Service employees in office settings versus the sometimes tense field encounters between agency personnel and tribal members when the latter are attempting to exercise the right to gather. He explained that while good relations may characterize formal meetings, out in the field problems may surface, with what he termed frontline workers. He suggested that all agency staff, especially those stationed in the field, learn and know tribal histories. As an example of how complex the relationship between a contemporary tribe and its ancestral lands can be, he referenced the Nez Perce tribal history of forced separation from original homelands in Oregon and relocation to reservation lands in Idaho and made the point that Forest Service personnel have to understand this complexity in order to know who the Nez Perce are and the extent of the lands with which they are culturally affiliated. As this example illustrates, treaty rights and tribal histories are complicated. The complexities of each situation necessitate thorough training and knowledge on the part of land management agents to ensure that traditional rights to gather are not violated.

This lack of understanding of tribal histories is a contributing factor when federal agencies find a tribe's response to a proposed solution perplexing. Tribal Member 17 gave the example of the Forest Service asking tribes for a map of locations for gathering materials. While this idea may seem to be a practical one that the Forest Service could use to organize efforts to ensure better access for tribal members, in the mind of the respondent this solution ignored the fraught history between tribal communities and U.S. government agencies. As explained by Tribal Member 17, when the Forest Service asked her tribe for a map of locations

for gathering materials, ostensibly to have a greater understanding of the areas to which tribal members want access, tribal members resisted revealing the location of specific sites out of concern that the Forest Service would then monitor such sites and restrict access. She offered this example as one indication of the need for a deeper level of cross-cultural communication to increase the capacity of agency personnel to understand Native perspectives so that the complex reasons why tribal members would not automatically give the agency a map would be clearer. She hoped that deeper communication would result in more culturally sensitive ways to facilitate tribal access to Forest Service lands. Tribal Member 1 echoed this frustration with the Forest Service trying to restrict or control access to locations without fully taking into account tribal members' criteria for determining which locations are suitable for gathering. Such criteria may privilege family ties to the land over other qualities. Gatherers may select a particular location because their families may have collected at a preferred site for generations; such locations are infused with memories and a sense of belonging. The shared experience of gathering upon them facilitates the transmission of cultural, historical, and ecological knowledge across generations in an extended family. These criteria for location selection, of utmost importance to tribal members, may be invisible to agency personnel who may be puzzled when gatherers bristle at being told that only certain locations (which may not be associated with their family lines) are suitable for harvest.

Finally, Tribal Member 3 pointed to the issue of fundamentally differing perspectives of the Forest Service and Native people on the appropriate relationship with, and use of, the forest, explaining that each has different visions of the forest. From his perspective, where Natives see food, material, and medicine, Forest Service employees see a plantation of Douglas-fir. He asserted that, for him, this is the crux of the issue: non-Native people need to understand the Native point of view.

In addition to outlining the ways that a lack of understanding of Native points of view negatively affects the ability of Native people to access and gather resources on public lands, respondents also gave examples of what Native perspectives on gathering entail. These explanations provide helpful context for understanding the kinds of awareness traditional gatherers feel public land managers need to develop in order to engage in effective relationships and resource management partnerships. Echoing the discussion above about family ties to particular gathering sites, one example of a Native perspective often cited by participants (Tribal Members 27, 28) is the vital importance of transmitting cultural knowledge in ways that are intergenerational and hands on. As Tribal Member 19 explained:

I have a granddaughter and she learned how to dig [roots]. We did the first dig ceremony and first pick ceremony for her as I did with my own kids... [T]he only way that we're going to hold on to our traditions is to practice the culture. We don't want to lose it, we want to just prove our Indian ways...[show] that [they] can't be taken away from us, that we're always going to practice [them], no matter what we go through even if we have to go to court.

The notion that the cultural survival of Native peoples is linked to the ability to practice traditional ways, many of which are heavily dependent on interactions with plant resources on federal lands, was also articulated by Tribal Member 14. Her statements provide further context for how important access to these resources are for Native peoples:

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**We need to know the value of the plants and how to gather them so we don't exploit them, so they're not gone.**

[Basketweaving is] significant to who we are...collectively all of these arts make us who we are culturally, and if we continue to [use] commercial materials, we learn the techniques, we learn the skill, but we only [end up] know[ing]...a quarter or a third of what we need to know. We need to know the value of the plants and how to gather them so we don't exploit them, so they're not gone. Like with beargrass, you have to treat it a certain way or it's not coming back.

## Commercial Forest Industries

One of the groups many tribal gatherers say they struggle to share land and resources with is the commercial forest industry. The three main issues raised by respondents in regard to sharing gathering lands with commercial industries were inadequate regulation and enforcement of harvesting rules, resource competition, and environmental damage. Respondents reported that each of these issues significantly impeded their ability to access, manage, and/or gather traditional plant resources.

Respondents felt an inadequate regulation of commercial harvesters was leading to overharvesting. Tribal Members 16 and 22 each spoke of resources being confiscated from commercial harvesters and then sometimes given to tribes. Tribal Member 22 shared a story of truckloads of illegally gathered resources being occasionally redirected to tribes. Another respondent (Tribal Member 21) also spoke of "semi-truck loads" of resources being confiscated from commercial harvesters and wondered who regulates the areas when permits are issued. Tribal Members 11 and 12 also reported a perceived overharvesting of beargrass and huckleberries, and Tribal Member 21 asserted that traditional gathering areas are being overharvested.

In addition to huckleberries and beargrass, respondents noted an observed decline in mushrooms (Tribal Member 5) and camas (Tribal Member 21).

Respondents described witnessing improper and damaging harvest techniques. Four respondents reported the illegal use of rakes by commercial huckleberry pickers, which results in cleared-out areas where berries grow, leaving none for traditional harvesters (Tribal Members 10, 13, 16, 19). One respondent also described a commercial harvesting practice in which harvesters cut down huckleberry bushes to bring to their camp, where they then pick the berries to sell them (Tribal Member 5). The use of rakes allowing for mass harvest of berries was frustrating to respondents who felt that the Forest Service needed to do a better job at protecting the resources. Tribal Member 10 echoed the concern of other gatherers regarding enforcement of regulations, saying he would like to see rangers out in national forests during huckleberry season to protect the bushes from being raked and cleared out. Commercial overharvesting and the use of improper harvesting techniques reduce resources for traditional gatherers. The resulting competition for resources poses a significant barrier to Native peoples attempting to gather plants for traditional purposes. Respondents noted that gathering concurrently with commercial harvesters posed a significant barrier, mostly because of the impact these industries have on the availability of the resources that traditional gatherers rely on to carry out their cultural practices. Tribal Member 1 cited the tendency on the part of commercial harvesters to clean out an entire area, stating that when he arrives at gathering sites where commercial harvesters have recently been and views such clearing, it is “heartbreaking.” Tribal Member 1 noted a key distinction between the longevity of materials gathered by commercial harvesters, possibly a couple of weeks in a floral arrangement, and that of materials collected by Native gatherers for something like a basket that may last for hundreds of years. To him, there is no comparing the two groups, even though agencies may conceptually group Native and commercial harvesters together. While some Native peoples do harvest commercially, for many this is a secondary pursuit, if it is a pursuit at all, as explained by Tribal Member 13, who said that in her experience Native harvesters only sell their berries when they really need to; otherwise, berries are used for traditional gatherings or if a family member needs them (though see Lynch and McLain 2003: 44, 45, 52 and Turner and Cocksedge 2001 for factors that might lead to an increase in Native commercial harvesting of NTFPs).

Many Native people who use plants for traditional purposes (art, medicine, food, ceremony, etc.) are not always able to gather the resources themselves and may resort to purchasing resources from commercial vendors. This inability to gather is shaped by many of the barriers addressed in this report. For traditional

practitioners who rely to some degree on purchased resources, commercial retail prices are high, causing a financial burden. Tribal Member 4 explains the connection between resource depletion, resource competition, and rising cost of materials, when she said that all people involved in gathering need to be “compassionate” with traditional materials. When resources are scarce, which they increasingly are, their procurement is more expensive for those who cannot gather themselves but rely on purchasing from non-Natives. Tribal Member 16 further articulated how resource competition leads to an increase in prices for traditional plants, stating that she does not think that people who are non-Native should be able to sell culturally significant natural resources from public lands, because they become too expensive for Native people to purchase.

Another aspect of commercial forest industries that negatively affects traditional gatherers is the environmental damage that accompanies these industries’ practices. The detrimental environmental practices reported by research participants include clearcutting and monocropping. Two respondents listed clearcutting as a commercial harvesting practice that negatively affects the quantity and quality of traditional resources (Tribal Members 4, 15). Three respondents spoke to the issue of monocropping, explaining that when timber industries log an area and replant it with a single species of tree that is not used for traditional purposes, it creates a barrier to their ability to gather. Tribal Members 4 and 16 both mentioned logging industries clearing cedar and replacing it with alder, making the point that it is difficult to gather cedar if the species is simply no longer there. Tribal Member 21 detailed the same issue, but in relationship to pine as the replacement species, which cannot substitute for cedar.

## Environmental Degradation

In addition to the environmental damage caused directly by commercial forest industries, respondents cited general environmental degradation as having a significant impact on gathering. Climate change, resource depletion, pollution, herbicides, and pesticides were all noted as barriers to harvesting. One of the most significant impacts of climate change was identified as shifting and irregular seasonal patterns. Many harvesters rely on knowledge that has been passed down through generations to know what time of year is best for harvesting particular resources. As seasons become irregular, this knowledge is challenged. Tribal Members 6, 18, and 23 all listed this issue as a barrier to their gathering efforts. Tribal Member 23 observed that changes in annual weather patterns make it difficult to know when to gather as some species are ready for harvest earlier in a season than they were in prior years.

While many respondents linked depletion of resources to commercial forest industries, several participants cited depleted resources in the context of more general environmental damage. Pollution, herbicides, and pesticides were cited by four respondents (Tribal Members 11, 12, 15, 18) as barriers. These respondents described many gathering areas as polluted and contaminated (Tribal Members 11 and 12). Tribal Member 18 explained that herbicide and pesticide use in the forests poses a risk to traditional weavers because of the practice of processing fibers by putting plant materials in the mouth. The ingestion of such toxins is a potentially harmful consequence of traditional weaving practices (Anderson 2005: 317–318). Tribal Member 23 referred to the absence of Indian hemp in the Northwest ecosystem and explained she goes to Walmart for materials for making wampus baskets. Tribal Member 24 mentioned a plant, Prince's pine (*Chimaphila umbellata*), which her grandmother taught her to gather, that is now hard to find.

## **Impediments to Traditional Cultivation, Nurturance, and Management of Resources**

Gathering culturally important plants relies upon the existence of suitable plant populations; evidence suggests that indigenous land management systems cultivated particular conditions and traits to ensure the availability and quality of desired resources (Anderson 2013). Although traditional tending practices affected North American ecosystems prior to European contact, narratives of “pristine” or “virgin” wilderness are popular with some segments of contemporary society (and thus the public imagination). This narrative is at odds with Native peoples' need to assert their ability to manage forests in order for their right to gather to remain tenable.

Tribal Members 1 and 17 both spoke to the harm that protectionist ideologies cause to traditional gatherers. Tribal Member 1 explained that one of the arguments he has heard is that tribal people shouldn't take materials from “pristine” areas because to do so is disruptive and disturbing to the ecosystem. But he posed a question: How would one know that leaving the plants alone is the best strategy? Answering his own question, he suggested it is not always the case. This is affirmed by literature cited earlier (e.g., Anderson 2013). In referring to the setting aside of land in the Hanford National Monument area for ecosystem recovery, Tribal Member 17 offered a specific example of how the idea that leaving “nature” alone as the best course of action for ecological systems might lead to the ironic exclusion of tribal gatherers. This participant's fear is that such restored lands will then become seen as pristine and deemed off-limits for tribal gatherers. It is important to note that since this interview was conducted, the Confederated Tribes of the Umatilla Indian Reservation have negotiated a MOU with Hanford

specifically ensuring tribal access to Hanford lands for treaty-reserved hunting, fishing, and gathering rights (Farrow-Ferman 2015). Nevertheless, this point of view—that protected federal lands will also be “protected” from tribal land use and traditional practices—is essential to register as part of the larger effort to understand tribal perspectives.

In addition to protectionist philosophies, respondents reported feeling that public lands agencies lacked a respect for, trust in, or understanding of traditional resource and environmental management practices. Tribal Member 16 succinctly communicated this feeling that land management entities lack trust in Native land management practices by sharing her perception that staff think that tribal harvesters will decimate the resources by taking everything at once. Tribal Member 17 asserted that traditional gatherers want and need the freedom to manage the land, including burning and cultivation, not just harvest, without having to notify anyone or having a permit.

Respondents report that when they envision practicing traditional management on federal lands, they anticipate problems if such areas are shared with nontribal harvesters. Nontribal harvesters may gather in ways that negatively affect the management and gathering practices of tribal members and the resource quality of the plants. These ways include wastefulness, harmful gathering techniques, and a lack of spiritual respect. Tribal Member 3 explained that tribal members may be frustrated when a traditionally managed gathering area is open to the public and thus to potential interference with Native efforts to tend the land on an ongoing basis. Respondents indicated a desire that land be set aside for tribes’ exclusive use for traditional land management (Tribal Members 3 and 17).

Three respondents spoke of frustration when lands must be shared with other harvesters who are perceived to engage in wasteful practices. As articulated by Tribal Member 20, the heart of this frustration lies in the concern that these practices may lead to a nonsustainable future for plants and resources that are vital to cultural survival: “We don’t take...an abundance, we take...just what we actually are going to use. We don’t take more than we need. And we’ve always been like that because we need to leave some so that [the resource] will replant itself.” Tribal Member 1 described with dismay what he understood to be the practice of the commercial floral industry of dumping unused beargrass at a site in Olympia, Washington, and lamented that this practice is frustrating to Native gatherers who hold that it is important to take only what is needed and not to waste. Tribal Member 19, echoing Tribal Member 20’s statement above, also contrasted tribal practices with those of harvesters who may not share the cultural value of sustainable harvesting practices, saying, “We just use what we need.”

In addition to wasteful harvesting practices, some harvesting techniques damage the integrity of the plant or its ability to produce in future seasons. Some of these practices, as related by Tribal Member 21, include commercial beargrass pickers harvesting at an earlier time in the plant's growth cycle, thus interfering with tribal members' ability to harvest later for ideal use in basketry. Tribal Member 14 describes the importance of harvesting cedar correctly in order to maintain the trees' health into the future, explaining: "You can't just strip your whole tree you know...people don't know that. Generations have...been skipping that rule...The gathering is important...it maintains the tie to earth, the ground." In this particular instance, the interviewee was describing harmful gathering practices on the part of other Native gatherers and is making the argument for the intentional teaching of traditional ecological knowledge within Native communities. It is important to note that the rich and complex body of knowledge of managing and harvesting traditional resources cannot be taken for granted. This traditional knowledge is nurtured through its practice, so ability to access, gather, and use plants becomes all the more vital. Some contemporary weaving directly reflects historical antecedents (upper left and upper right cover images and fig. 6).

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**This traditional knowledge is nurtured through its practice, so ability to access, gather, and use plants becomes all the more vital.**



Dale Peterson

Figure 6—Burden basket (open twining), 2006, Edward Carriere (Suquamish), cedar root, cedar bark (*Thuja plicata*). Purchased through the George and Colleen Hoyt Art Acquisition Fund, Hallie Ford Museum of Art, Willamette University, Salem, Oregon. 2007.035. Carriere (b. 1934), of the Suquamish Tribe in Puget Sound, learned the art of weaving as a child from his great-grandmother, Julia Jacob. Carriere is a member of the Northwest Native American Basketweavers Association and was awarded the Washington State Governor's Heritage Award in 2005 in recognition of his art and teaching.

The last issue raised by respondents in regard to sharing traditional gathering lands with non-Native peoples is a lack of awareness of, and respect for, the spiritual nature of gathering. One of the spiritual beliefs held by many Native peoples in regard to gathering is the previously articulated ethos of not taking more than you need; in light of this, the wastefulness of many non-Native gatherers is seen as being disrespectful of Native spirituality. An example of this disrespect was described by Tribal Member 15, who explained that non-Indian people often want to know about the materials that are gathered and what is made from them, but are not learning about the spirituality underpinning the harvesting and processing practices, such as the importance of asking for the materials and giving thanks for what is provided. Without this knowledge, he warned, harvesters may take more than what is needed.

## Conclusion

In discussing the barriers to access to traditional plant resources, respondents offered some suggestions, made organically as part of broader conversations. Such suggestions may have the potential to ameliorate barriers and provide opportunities for “greater understanding and mutual respect” (Ruppert 1994: 12). However, we stress that the development of any framework or protocol on traditional harvesting on federal lands is beyond the scope of this project. Such a protocol, while desirable, would need to be undertaken in consultation with tribal governments and with such organizations as the Northwest Native American Basketweavers Association, which represent traditional resource users. Among the most insightful suggestions on the topic was an observation by Tribal Member 17 that the focus should be upon the development of protocol rather than strictly upon the production of policy. By protocol, this respondent was referring to a process of respectful engagement between forest managers and tribal communities, one in which Native cultural values and tribal sovereignty are guiding principles. The work of “cultural brokerage,” integral to the process of developing such protocols, would build the capacity for those qualities in all participating parties (Peña et al. 2004: 19).

One example to learn from is that of the California Indian Basketweavers Traditional Gathering Policy (Forest Service Manual Supplement No. 1560, Region 5, July 25, 2007, and BLM Instruction Memo No. CA-2007-01 7, April 10, 2007). The California policy ensures free use without a permit for personal, community, and noncommercial tribal use; access to gathering areas, and opportunities for involvement in local land management decisions and practices to enhance traditional plant populations.

While by policy (Executive Order 13175, issued in 2000) federal agencies are obligated to consult with tribes when their work impacts or involves tribal resources, the quality of such consultations varies widely in practice, as seen, for example, from the vantage point of tribes involved in the implementation of the Northwest Forest Plan (NWFP). In a report evaluating the NWFP, tribes who indicated they had consultation protocols in place said that they created stronger federal-tribal relationships (Lynn and MacKendrick 2011: 13). Participants specifically referred to MOUs and MOAs as mechanisms to facilitate regular consultation and conversely cited factors such as staff turnover, agency-to-tribe communication in the form of notification rather than substantive inclusion during decisionmaking stages, and failure to incorporate tribal input as barriers to effective consultation (Lynn and MacKendrick 2011: 13–30). The need to develop collaborative and consultative working relationships between managers and tribes is another key suggestion that was explicitly stated or implied throughout this study's 29 interviews. Managers need to operate from a position of understanding of and commitment to the responsibility they bear as federal employees to uphold the trust responsibility to tribes, including the exercise of rights to gather (whether reserved by treaties or other legal mechanisms), a responsibility officially reinforced by the Forest Service (Office of Tribal Relations 2014: 5). Exercise of such rights requires tribal participation in the management of cultural plant and animal resources on ceded lands now in the control of the Forest Service and other federal agencies (Goodman 2000). Such co-management and cooperative relationships, from a tribal perspective, would need to address such issues as the impacts of commercial harvesting, environmental degradation, and climate change upon resource health and availability.

Cooperative arrangements (whether embodied in co-management agreements, MOUs, MOAs or other mechanisms), if meaningful and systematic, so that tribal perspectives are integrated at all levels of decisionmaking, could have an impact on some of the most immediate access issues, such as inadequate road maintenance and the impediments caused by gates and fences. Permitting systems are perhaps the most obvious area for evaluation and revision, based on the widespread frustration expressed over permit processes, requirements, and enforcement.

In summary, this report provides an overview of selected literature on site access and harvest issues, interprets the findings regarding the impact of barriers to access and harvest as articulated by tribal weavers, and advances suggestions for the utilization of project findings. Significant barriers identified in the study include physical barriers (such as gates and closed roads), the permitting process, inconsistent relationships between forest managers and tribal communities, underdevelopment of co-management arrangements, and the negative impact of

commercial forest industries, all of which impede the exercise of treaty-reserved rights to gather on ceded lands. These barriers to sustained relationships with natural resources in ancestral lands negatively affect the ability of tribal members to practice and transmit cultural knowledge and to create culturally valued objects. Key recommendations include systematic education for all federal lands agency staff on tribal sovereignty, the trust relationship, and specific tribal histories; an embrace of consultation practices and protocols that operationalize policies that are already in place in the U.S. Forest Service, and the development of meaningful cooperative arrangements such as memoranda of understanding, memoranda of agreement and co-management agreements that incorporate Native knowledge and rights to natural resources.

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### Metric Equivalents

<b>When you know:</b>	<b>Multiply by:</b>	<b>To find:</b>
Acres	.405	Hectares

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## Appendix

Interviews began with the administration of informed consent agreements. The questions below were then used to conduct a semi-structured interview, meaning that the sequence of questions was not rigidly followed, allowing for a fluid exchange.

1. When did you begin collecting traditional plants and materials?
2. How did you become interested in gathering plants and materials?
3. Who taught you how to collect plants and materials?
4. Are you teaching others to gather?
5. What are some plants and materials you collect for weaving or otherwise?
 

<input type="checkbox"/> cedar	<input type="checkbox"/> spruce
<input type="checkbox"/> cattail	<input type="checkbox"/> willow
<input type="checkbox"/> tule	<input type="checkbox"/> Oregon grape
<input type="checkbox"/> fern	<input type="checkbox"/> berries
<input type="checkbox"/> Other: _____	
6. What are the most drastic changes you've noticed since you started collecting?
 

<input type="checkbox"/> Environmental	<input type="checkbox"/> Economic
<input type="checkbox"/> Cultural	<input type="checkbox"/> Policy
7. Where do you collect a majority of your materials? Primarily on:
 

<input type="checkbox"/> Federal lands	<input type="checkbox"/> State lands
<input type="checkbox"/> Tribal lands	<input type="checkbox"/> Private lands
<input type="checkbox"/> Other: _____	
8. Can you tell me about one of your experiences when you had an issue/barrier/challenge gathering traditional plants and materials?
9. What are other barriers that prevent you from gathering?
 

<input type="checkbox"/> Paperwork/permits	<input type="checkbox"/> Application fees
<input type="checkbox"/> Park fees	<input type="checkbox"/> Financial support
<input type="checkbox"/> Transportation	
<input type="checkbox"/> Other: _____	
10. Are some federal lands easier to gather materials on than others?  
If yes, where? Why are these locations easier?
11. Are some federal lands harder to gather materials on? How could they become easier?
12. Does your tribe have a MOU/MOA for gathering with any state or federal agency?
13. Do the MOUs/MOAs help or create more issues?
14. How do you see these issues being resolved?





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Cover: Top left: Klickitat-style berry basket (coiled, imbricated), ca. 1900, artist unknown, cedar root (*Thuja plicata*) with beargrass (*Xerophyllum tenax*) (tan, brown, red) overlay. The Bill Rhoades Collection, a gift in memory of Murna and Vay Rhoades, Hallie Ford Museum of Art, Willamette University, Salem, OR. 2007.045.001. Dale Peterson, photographer.

Top right: Klickitat berry basket (coiled, imbricated), 2004, Nettie Jackson (Klickitat Band of Yakama Indians), split western redcedar root (*Thuja plicata*), beargrass (*Xerophyllum tenax*) (white, dark brown, and red) overlay. Purchased through the George and Colleen Hoyt Art Acquisition Fund, Hallie Ford Museum of Art, Willamette University, Salem, OR. 2005.001. Dale Peterson, photographer.

Nettie Jackson (1942–2013) was dedicated to the renewal of the Klickitat style of Columbia River basket weaving. She was a 2000 National Endowment for the Arts National Heritage Fellow, received a Washington State Governor’s Arts and Heritage Award in 1992, and served as a master artist in the state arts commission’s apprenticeship program. Nettie was a member of the Northwest Native American Basketweavers Association, which uses one of her baskets as its logo.

Bottom: Oblong basket (wrapped twining), 1800s, artist unknown (lower Columbia River, Clatsop?), sweetgrass, sedge, beargrass, Oregon grape root. Hallie Ford Museum of Art, Willamette University, Salem, OR. NA 48. Dale Peterson, photographer.



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