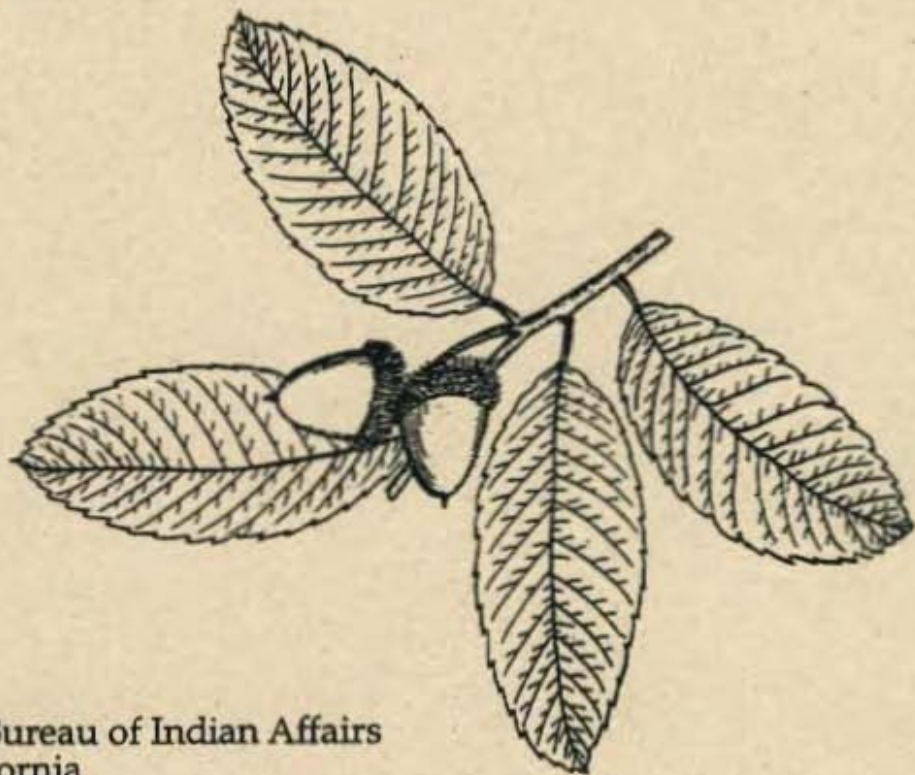


A YUOK FOREST
HISTORY



Presented to the Bureau of Indian Affairs
Sacramento, California
September 1994

Lynn Huntsinger,
with Sarah McCaffrey, Laura Watt, and Michele Lee,
Department of Environmental Science, Policy, and Management,
University of California at Berkeley



A YUROK FOREST

HISTORY

Presented to the Bureau of Indian Affairs

Sacramento, California

September 1994

(edition 2 w/new maps 2009)

Lynn Huntsinger,

with Sarah McCaffrey, Laura Watt, and Michele Lee,

Department of Environmental Science, Policy, and Management,

University of California at Berkeley

Table of Contents

Introduction..... 4

Chapter 1: A Brief History..... 10

Chapter 2: Forest-Tribe Relationships. 44

Chapter 3: The Virtual Reservation. 65

Chapter 4: Management of an Allotted Forest. 102

Conclusions: 120

Appendix I: 126

Appendix II: 134

Bibliography: 137

Supplement:..... *separate volume*

Introduction

What is the Yurok Forest? Is it the few scattered remnants of trust land that remain after more than a hundred years of negotiation and retreat from the vast social and economic changes that overtook the tribe when Europeans came to occupy the Northwest? Is it bounded by the edges of a narrow strip of reservation patched together along the Klamath River in the latter half of the nineteenth century to provide a refuge for “local Indians?” Is it a broad indigenous territory crossed by the Klamath River the way the life-line crosses the palm of a hand, bordered on the West by a substantial amount of Pacific coast, a vast area once completely under the care of Yurok peoples? Is the Yurok forest the heavily timbered slopes viewed from a motorboat running upriver from the fishing resorts of the Klamath mouth to the general store at Weitchpec? Or the mix of prairie, shrublands, and forest typical of the view from the redwood canoes that provided the main means of transportation among a network of about 50 villages strung along the river and the coast in 1850? Is the Yurok Forest composed of wood, rock, and water? A product of politics? A home to spirits and the material manifestations of a culture? A part of the personal history of each of its inhabitants? A dream for the future?

Of course the Yurok Forest is all these things — and to write a true history of it, all these dimensions and more would need to be in it. This history concentrates on only a sliver of this rich history, enough to help understand how the forest that exists today came to be, and to aid in planning the future of the forest’s natural resources.¹ The geographical scope of the project is Yurok lands along the Klamath river, and does not include coastal areas or Rancherias. Chapter one offers a brief history of the forest and the region. Chapter two highlights indigenous management and use of the forest — the traditional relationship between the Yurok tribe and the forest. Chapter three tells the story of how a reservation of 56,000 acres became today’s scattered trust parcels totaling less than 6,000 acres. Chapter four discusses the management issues inherent in such a fragmented forest, summarizes the harvest history of trust properties, and introduces the computerized

¹Much of the information presented in this chapter was adapted from Roberts et al. 1983, supplemented by a variety of sources noted in the text. The Roberts report chronicles the history of forestry activities for the Hoopa Valley Reservation. The BIA Forester at Hoopa also managed the forestry on the Yurok reservation until 1989. The extensive description of the evolution of forest management practices provided in that volume are not duplicated in this report. In fact, they are of limited relevance to the Yurok Reservation.

database of allotment histories presented in a supplement to this volume. It is my hope that the Yurok Forest is a cultural touchstone, a place within the tribe's home territory that will help the Yurok people of the present and future keep their culture alive.

This history clarifies aspects of the history of Yurok lands that have been mistaken or obfuscated by other works, and by the passage of time. Great effort has been made to distinguish what is known from what is believed or thought to be. Some questions are left unanswered, because they could not be answered accurately within the scope of this project. Generalizations about people and about cultures are avoided whenever possible. Yurok people think and act as individuals. Traditionally, villages and families were in large part autonomous. In other words, as people say now, "everybody has an opinion" about almost everything, including historic events and practices. This report cannot pretend to encompass everyone's beliefs about the past.

A spectrum of sources and methods was used, including:

- review of BIA records and interviews with BIA forest managers. Absolutely essential to the project was Gordon Karnes and his encyclopedic knowledge of the Yurok area.
- interviews with Yurok people, meetings with the Yurok Tribal Council, and an overnight visit to a basketweavers campout.
- review of existing literature, notably Waterman's *Yurok Geography* and Forest Service-produced and commissioned historical and ethnographic work. The history of the Hupa reservation was drawn on for its information on the Yurok area (Roberts et al. 1983). Lucy Thompson's published account of her life as a Yurok written in 1916 was invaluable, particularly with relation to forest management practices (Thompson, 1856). Reviewers indicate the need to use the account with caution and her comments are interpreted carefully. Mad River Biologists did wildlife survey work on the reservation in 1993 and information about forest conditions from that report are also used (LaValley, 1993).
- visits to the Del Norte and Humboldt County Historical Societies. The older photos used are from the Del Norte Historical Society in Crescent City.
- visits to accessible sites and BIA aerial photos were used to compliment the written management record.

The report is organized as follows:

Chapter 1: A Brief History. General history of the region and the Yurok Reservation.

The chapter provides the background information needed to understand current forest management conditions on the Yurok Reservation.

Chapter 2: Forest-Tribe Relationships. This is information garnered from the historic and ethnographic literature and interviews with Yurok people. We interviewed six people intensively, most of whom were recommended to us by the Yurok Interim Tribal Council. We also interviewed a member of the tribal council, and a group of basketweavers. Comments of interviewees are presented in the text of this chapter and Chapter 3 when appropriate. The chapter discusses the traditional uses and values of different kinds of forest vegetation and forest types. It cannot be comprehensive, but does lead the reader to a number of valuable sources. The Forest Service in particular has done ethnographic work on plant use in the Yurok area. Yurok forest management practices, use of plants, and landscape change are discussed. Yurok cultural life is deeply intertwined with the forest and its management.

Chapter 3: The Virtual Reservation. Less than 6,000 acres of what was once a reservation more than ten times as large remain in trust or potentially under tribal control. The impacts of the allotment process, federal policy, and ecological change are describe and analyzed.. Most of this history is taken from BIA records and published works. Interviewee comments are included when they inform a topic.

Chapter 4: Management of an Allotted Forest. The harvest and management history of the forest is described and discussed. Allotment and fragmentation of the forest presents a number of a serious problems for forest management. The use of herbicides and pesticides on the private forests that make up most of the reservation is also a major concern. The allotment by allotment histories provided in the Supplement accompanying this volume are described and introduced.

Chapter 5: Conclusions: Efforts should be made to stabilize, enlarge, and consolidate the land base, and to restore culturally valid management practices and uses. The complexity of cultural and ecological issues that will arise in the management of this forest requires a strong participatory management program. The tribe also

needs to find ways to influence management practices on privately owned lands within their indigenous territory. Considerable success has been made in working with the Six Rivers National Forest.

Appendix I: Legislation and policy landmarks of significance to the Yurok Forest are summarized in a timeline.

Appendix II: A brief timeline of Yurok Forest history.

Bibliography: This includes the literature cited and a few selected additional references.

Supplement: This separate volume is a printout of the trust property harvest histories summarized in Chapter 4. Allotment descriptions and histories are in a database that can be sorted by name, allotment number or parcel location, harvest date, and so on. Each history includes information from ethnographic works, as well as from BIA records, aerial photos, site visitations, and interviews. Perhaps because the lower Klamath lands were managed only secondarily to Hoopa lands until the reservation was split, records are sporadic and not particularly comprehensive or consistent. Developing this history was like solving 89 mysteries — and some remain mysterious. The database format allows the histories to be easily updated as information becomes available.

Notes on 2010 reprint: In the process of creating a pdf file from this 1994 document, a few additional maps were added. No attempt was made to update or revise the document.

Acknowledgments

I would like to acknowledge the help and support of the Yurok people, particularly the Yurok Interim Tribal Council and those we interviewed. Reservation residents were quite generous in sharing their time and their family histories with us. I thank Susan Budrick and the other weavers for letting me spend a night at the basketweaver's campout. I gained an appreciation for the complexities of the basketweaving art and learned of the concerns of weavers and artisans about the Klamath's natural resources. I would like to thank Margaret Carlson, Victor Crutchfield, Susie Long, Sue Masten, Walter McCovey, Glenn Moore, Herb O'Neill, and Georgiana Trull for taking the time to talk to me.

I am greatly in debt to Gordon Karnes, the BIA forester for the Yurok Reservation. Gordon is known up and down the coast for his detailed knowledge of the history and management of the watershed. A woman in the country registrar's office in Eureka told me "Gordon is the only one who really understands about the landownerships up there!" She was right. Gordon also helped me locate harvest permits and aerial photos, and drove me all over the reservation. Fred Chase, formerly a forester for the reservation, also spent an afternoon with me piecing together the harvest and fire history. Rick Fielitz of the BIA office in Sacramento provided guidance and invaluable reviews of the manuscript. I would also like to thank Richard Harris, Extension Forester at U.C. Berkeley, for his reviews of the manuscript, and for steering me to the project. Louise Fortmann of U.C. Berkeley provided very helpful reviews of parts of the manuscript. Paul Starrs gave much needed editorial and technical support, and without him, I would have been unable to produce the maps in this document. For the revised version, Genoa Starrs scanned and edited many of the pictures.

Chapter 1. A Brief History

Chapter 1 is an overview of the history of the Yurok Forest.² Further chapters focus on two facets of the complex history of the Yurok Forest of particular importance to understanding the conditions on the reservation forest today: the first is the cultural relationship between the tribe and the forest (Chapter 2), while the second is the history of land tenure on the forest (Chapter 3).

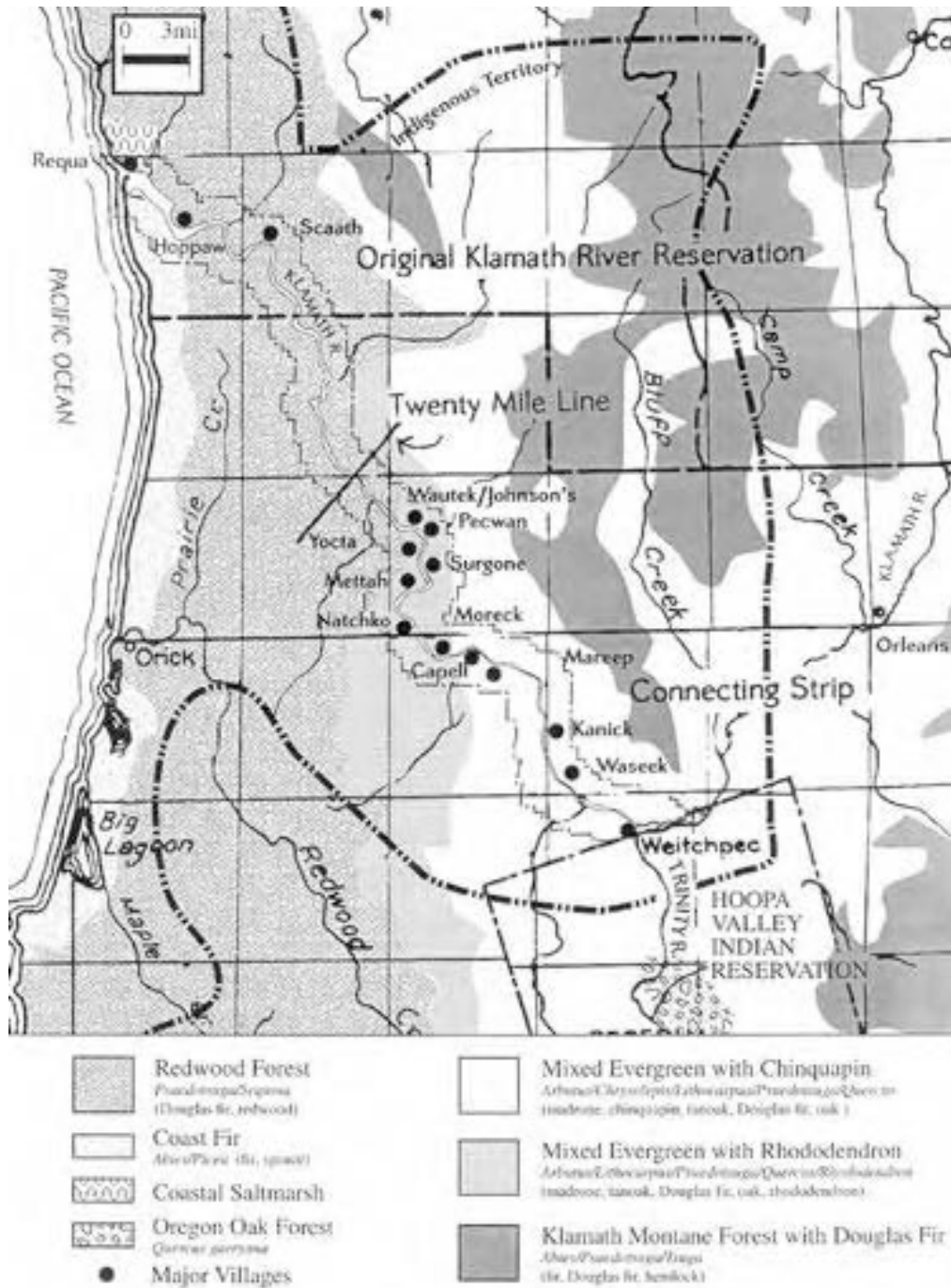
Yurok Territory before European Contact

Yurok indigenous territory includes a narrow strip of land, about twelve miles wide and 90 miles long, running along the coast from Little River to the mouth of Wilson Creek, then inland along the Klamath River for forty-two miles to the confluence of the Klamath and Trinity Rivers (Lindgren, 1919) (Figure 1-1). Within these boundaries were 54 or more villages, the homes of some 2,600 people (Lindgren, 1919). Pre-historic Yurok settlements were established along the shore or on river edges on ancient river terraces, placed enough above the water to avoid periodic flooding. Permanent settlements included houses constructed of redwood planks, at least one sweathouse, and a graveyard. House construction was a major effort, and each house had a name. Sometimes the name of an individual included the name of the house or village.

Villages were usually made up of conglomerates of families or individuals. There was no governing body for the Yurok people as a whole. The peace treaty of 1851 lists as signatories representatives of several Yurok tribes along the lower Klamath, including the Requa, Pecwan, and Wauseck tribes. One defining characteristic of Yurok territory in its entirety is that within its boundaries Yurok rules and conventions, as opposed to those of neighboring tribes, would be invoked to handle an infraction (Theodoratus et. al. 1980; Pilling, 1978). Waterman (1920) attributes the establishment of some villages to banishment of individuals for various violations of the rules of society. For instance, financial retribution to individuals harmed by the actions of another was often required.

²Much of the information presented in this chapter was adapted from Roberts et al. 1983, supplemented by a variety of sources noted in the text. The Roberts report chronicles the history of forestry activities for the Hoopa Valley Reservation, which until 1988 included the present Yurok reservation. The BIA Forester at Hoopa also managed the forest on the Yurok reservation until 1989. The extensive description of the evolution of forest management practices provided in that volume are not duplicated in this report.

Figure 1-1 Yurok Indigenous Territory and Vegetation



When unable to pay the price an individual might have to leave the village and find a place to live apart from other villages. If he prospered, others eventually might be attracted to the area (Waterman, 1920).

Social relationships between the Yurok and their neighbors were extensive and diverse. Tribal groups often attended each other's ceremonies (Theodoratus et al. 1980) and trade was an important part of the tribal economy (Kroeber 1925; O'Neal, 1932; Pilling 1978; Spott and Kroeber, 1942). Feuds and warfare sometimes occurred between tribal groups and between Yurok families and villages (Theodoratus et al. 1980; Kroeber, 1925; Pilling, 1978). Although the Klamath river was the primary means of travel between Yurok settlements, there was a complex network of trails linking settlements and territories (Kroeber, 1925; Theodoratus et al. 1979; Waterman, 1920). A farmer living near Trinidad in 1850-56 observed:

They seldom come into contact with other tribes except those in the immediate vicinity and with them they trade and also arrange marriages...But in spite of this they get news of the doings of their people and of other important happenings by confidential agents or by sending couriers from tribe to tribe. These couriers can cover long distances in an amazingly short time by short routes known only to themselves. Thus, even in isolated places the Indians are constantly informed of all that happens (von Loeffelholz, 1991[1883]).

Acorns, grass seed, tubers, and other gathered plant materials were dietary staples. The prodigious salmon runs, supplemented with river eels, deer, and other game, were the protein-rich elements of the diet. A fish dam was constructed regularly near Cappell, and the harvest distributed among most of the Yurok in the manner prescribed by cultural and spiritual tradition. A form of tobacco was cultivated in small gardens. Temporary camps, sometimes with huts, were used for some gathering, hunting, and fishing expeditions lasting days to weeks.

Geographical sites of spiritual and cultural significance are located throughout Yurok territory (Waterman, 1920). Doctor Rock is one such site on the lower Klamath believed to have strong power and traditionally has been sought out by doctors, primarily women, seeking the 'highest' curing powers (Theodoratus et al. 1979). Ceremonial dances important to Yurok beliefs were also frequently site specific activities. The White Deerskin Dance and the Jump Dance were held annually or at least at regular intervals

(Theodoratus et al. 1980) in pre-contact times. Thompson (1991) claims that they were held in alternate years at Cappell. Several villages gathered for ceremonies that lasted a number of days. Temporary huts were constructed to house participants (Thompson, 1991). Kroeber believed that these ceremonies were performed to maintain the world, and to assure an abundance of food and safety from natural calamity (1925). Other traditional ceremonies were the Brush Dance and the War Dance (Theodoratus et al. 1980). Some of these ceremonies continue to be performed today as part of a re-awakening of tribal culture.

The Yurok have a widespread tradition of individual spiritual practice and medicine seekers. Theodoratus, et al. (1980) sums these practices as follows:

These individuals sought medicine either to harm others or to act for the well-being of the community through curing practices and the negation of the effects of the evil doer. Such power appears to have been achieved by these individuals through a rigorous routine of abstinence and purification followed by visits to “high country” places where medicine was acquired. In these cases individuals entered the high country in a ritually prescribed manner on particular trails. Medicine seekers visited specific sites along the trails in preparation for the medicine quest. In the mountainous regions specific locales were used in a ritual manner.

Thompson (1991) describes a secret Yurok society, from which the ceremonialists and thinkers of the tribe are trained, responsible for maintaining the knowledge of the people.

Early European Activity

Compared to areas further south in California, the Klamath-Trinity area remained isolated from Euro-American settlement until relatively recently. The Spanish mission system, well developed in central and southern California, never expanded into the northwest. While both Trinidad and Humboldt Bay were "discovered" by Europeans in the late 1500s, the interest was only in exploring, not settling. In 1775, the area around Trinidad Bay was charted and formally claimed as Spanish territory by Captains Don Bruno de Hezeta and Don Juan Francisco de la Bodega y Quadra, who spent about a week at the Yurok Village of Tsurai. They named it Trinidad, because they held mass there on June 11, Trinity Sunday on the Roman Catholic Church calendar (Savage, 1991). Accounts of the Yurok inhabitants of Tsurai Village by the early explorers describe them as relatively

peaceful people who were reluctant to share their women (Heizer and Mills, 1991). Unfortunately, as fur trading increased and European visits became more frequent, relationships deteriorated and there were sporadic incidents of violence.

After initial scouting trips in 1806, the Russian fur trade moved down the Pacific coast from Alaskan settlements in 1812. The expeditions hunted sea otters and traded with local Indians, exchanging fur pelts for various European goods. The Russians engaged in the first non-Indian logging of redwoods in the area to construct Fort Ross in Sonoma County. Russian activity prompted increased coastal exploration by Britain and Spain. The British quickly found the fur industry to be profitable and soon the Hudson Bay Company was sending trappers and traders to the area. Discovery of beaver in the mountains during the 1820s led to a further increase of British traders moving south from Canada and American traders coming from the East. The sea-going fur trade, in contrast, faded out in the area by about 1817 (Heizer and Mills, 1991).

In 1826 Hudson's Bay fur trapper Peter Skene Ogden's Third Snake Country Expedition departed Oregon's Willamette Valley and reached the Klamath River somewhere between Martin's Ferry and Pecwan (Savage 1991). But the most famous of the early overland expeditions is that of Jedediah Smith, a trapper for the Rocky Mountain Fur Company. While exploring Northwest California in 1828, his party traveled up the Sacramento River, then up the South Fork of the Trinity and over the mountains into the Hoopa³ Valley. They then followed Indian trails to Terwer Creek and the Klamath River, finally reaching the ocean at the mouth of Wilson Creek (Savage, 1991). Although this expedition marked the first encounter between Europeans and many of the inland Yurok villages, most of the Indians already knew of the existence of white men and their interest in furs through the trade goods that had traveled up the river from the coast. In addition to furs, the explorers also traded for food supplies.

Statehood and Land Claims

³The spelling of terms translated from Indian languages varies from author to author, map to map, time to time, and place to place. The reader will note that Hupa in particular is sometimes spelled Hoopa. Hoopa is the spelling used on most maps of the region, past and present. Hupa is the spelling that most historical and anthropological works use to designate the tribe. In this document Hoopa is used to denote place names and Hupa to denote the tribe. The term Yurok itself, although it has been adopted by the tribe for official purposes, is a Karuk term for "downriver people." The Yurok refer to themselves in their own language as "Pohlik," the people.

The United States government took control of California when the Mexican-American War ended with the 1848 Treaty of Guadalupe Hidalgo. The treaty avowed to protect indigenous and Mexican land titles. Congress rejected both California and New Mexico for territory status due to insufficient white populations, so a federal military government was set up to take responsibility for protecting both white and Indian populations. But with the discovery of gold at Sutter's Mill in 1848, a large number of miners and settlers began arriving from the East. In 1849, an estimated 80,000 settlers arrived, increasing California's white population five-fold. Not wanting to lose the rights and protections associated with U.S. citizenship, the newcomers immediately began to push for statehood. The military government was stretched thin by growing hostilities between Indians and whites, as well as by the increased need for maintaining law and order among settlers. A group of citizens took it upon themselves to call a General Assembly to organize a civil government and, by December 1849, had written and ratified a state Constitution. California became the 31st state in the Union on September 9, 1850.

The tremendous influx of miners and settlers had a devastating effect on the California Indians as European diseases spread rapidly among North American peoples. The Klamath River tribes suffered significant population losses. By one report, half of the Indians on the Klamath succumbed to measles in 1852 (Arnold and Reed, 1957). Violence also was common and the Klamath River area was no exception.

The Klamath-Trinity Gold Rush

Gold was first discovered in the Klamath-Trinity area in 1848 by Major Pierson B. Reading who, while trapping beaver along the recently named Trinity River, noticed signs of placer gold in the river gravels. By 1849, miners were establishing claims around Weaverville on the east side of the mountains. Because winter rains closed the supply route from the Sacramento Valley, a supply route west to the Pacific was needed. In November 1849, Dr. Josiah Gregg and a party of seven other miners set out along the Trinity River, falsely believed to empty at Trinidad Bay. The group struggled through difficult terrain for four weeks, passing through Hupa and Yurok territory, only to reach the ocean far north of their intended destination. They continued down the coast to the confluence of the Eel River, where they split up. Gregg died near Clear Lake, but the rest of the group eventually made it back to Sonoma with news of their journey and inland gold strikes.

The following year explorers from a number of ships attempted to find a supply route to the mining camps from the Pacific. Although the rivers were found to be non-navigable, a number of new gold strikes were made, encouraging development of coastal supply centers. A settlement was established at Klamath near Requa but died out a few years later because it was a poor harbor and further from the mines than Trinidad. Trinidad was the first major supply center, at one point home to several thousand people, but by 1854 was replaced by Union (later renamed Arcata) which had a better harbor and was closer to a greater number of miners. As mining activity moved further up the rivers, trade shifted north along with them to Crescent City.

The establishment of these coastal towns laid the foundation for the beginning of the logging industry. Eureka was established in 1850 and included the first local lumber mill. The first railroad system in California originated from Arcata to service the developing coastal logging trade. When lumber eventually replaced gold as the region's primary commodity, Eureka became the most important community due to its advantageous deep water port for shipping.

By 1854, the coastal settlements in the Klamath-Trinity region were well established and trails to inland mines were being laid. Along the trail from Trinidad to the mining claims, in 1859 the Humboldt County town of Weitchpec was founded at the confluence of the Trinity and Klamath Rivers near the Yurok village of the same name (Savage 1991). Due to the hazardous terrain of the river valleys the mining camps remained isolated pockets supplied primarily by mule pack trains. One settler's memoirs included the notation that "members of these northern tribes made good helpers for mule packers at about one-fifth the wage for a white assistant" (von Loefflholz, 1991 [1893]). Trails were steep and fallen redwoods often created nearly impassable obstacles. As a result, mining camp supplies were expensive. Despite these difficulties, the Klamath-Trinity area became the second most productive gold region in California after the Sierra Mother Lode.

Mining activity along the Klamath River peaked between 1850 and the mid-1860s. Most of the gold in the region was found in the stream beds along the major rivers and their tributaries. Easily reached surface gold was mined by hand at first; later methods included the use of wing dams, flumes, tunnels, and dredges. Hydraulicking, ground sluicing, and drift mining recovered gold from the higher benches (Clark, 1976). All this activity polluted and interfered with the natural flow of the water, eventually taking its toll on the salmon runs so important for Yurok subsistence. Exceptionally heavy rains in the winter of 1861-62 resulted in a flood that completely washed away mining equipment

and settlements along the river's edge, to the extent that even some of the gold bearing gravel was washed downriver. After the flood, much of the mining population moved upstream where danger of major floods was not so severe (Theodoratus and Jackson, 1980). Due to the large territory, low settler population, and availability of plentiful timber and water, placer mining remained profitable in the northwestern mountains long after surface gold had been removed from the Mother Lode region (Theodoratus and Jackson, 1980) (Figure 1-2).

Because the first settlers of the Klamath-Trinity were miners — rather than missionaries, fur traders or farmers — accessibility to good gold sites determined the location of most early white settlements. Little or no planning went into the establishment of camps, which usually consisted of a main street surrounded by a collection of cabins, huts, and tents. Some Chinese miners also made it to the region, although they had to be careful to conceal any successes from white miners reluctant to recognize their claims. In any case, most miners were transient and gave little thought to home improvement. Despite laws (such as the Preemption Act of 1841) allowing purchase of land at very low prices, few permanent settlements were established in the mountains. An additional hindrance to settlement was that the laws only applied to surveyed lands, and the extreme topography of the northwestern mountains made surveying difficult. Even after passage of the 1862 Homestead Act made obtaining title to land easier, few miners remained along the rivers.

When gold deposits began to dry up a few stayed on at sites where farming was possible but most moved on. Those that chose to settle in the area usually went to the coast with its flatter lands, better transportation, and military protection. By the end of the century, while the coastal area was fairly well settled, interior land was still "frontier-like" - surveys of the region still had not been completed, access was limited, some miners were still active, and settlements were sparse (Theodoratus and Jackson, 1980).

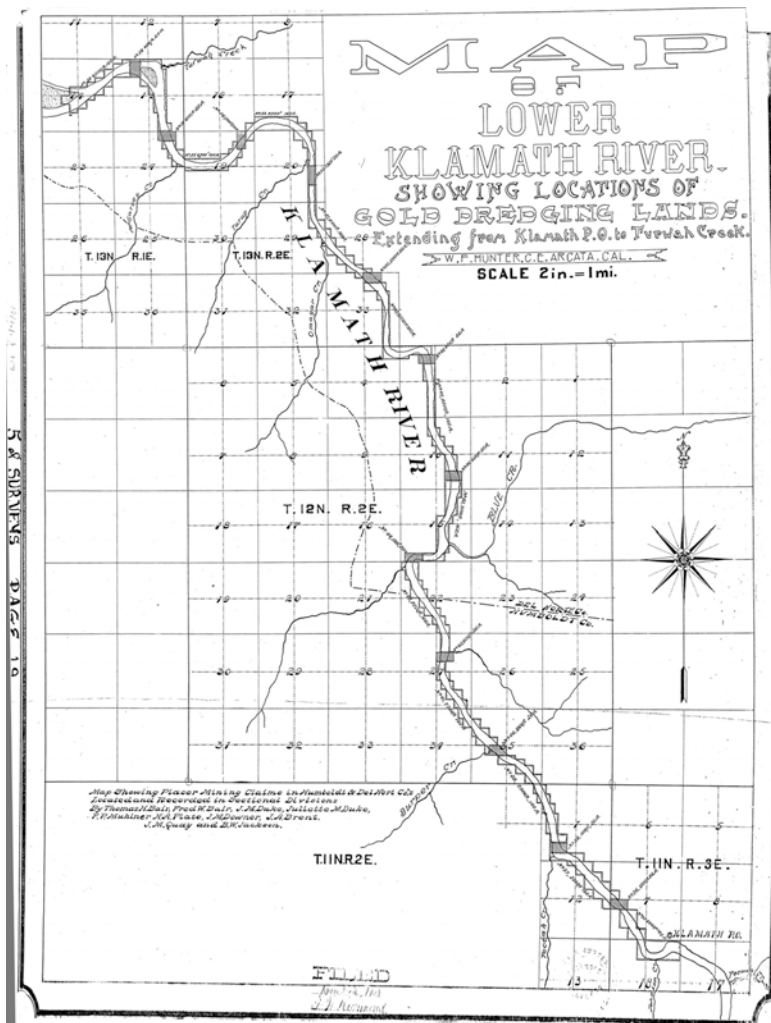


Figure 1-.2 Gold Dredging sites and mining claims along the Klamath River, 1908.

Indian-White Conflict

There was no “Indian War” with the Yurok — instead, violent incidents between the Yurok and settlers were episodic and localized. Typically, a white settler would attempt to attack or steal a woman and the woman’s relatives would try to retaliate against the settler. The news that an Indian had attacked a settler would lead to general or local hysteria, and a mob of settlers would raid a village and kill every living man, woman, and child. A history of 1881 reports that in the spring of 1851, a party lead by Captain S.R. Thompkins started from Trinidad and then went up the Klamath River, camping on every bar. At one point, three of his party were killed by Indians. A group of whites then went up the river following the trail of the Indians, found their village, and easily slaughtered

the entire village (Bledsoe, 1881). In another widely reported case, in 1854 a man attempted to rape an Indian woman walking with her young son. She refused him and her son clung to her. The man shot the boy and proceeded with the rape. This led to a series of violent reprisals (Elliot, 1882; Irvine, 1915).

In 1852, a site on the Klamath twelve miles below Weitchpec, near what is now Martin's Ferry, was the scene of another tragedy. At the time, a family by the name of Blackburn lived there at what was called "Blackburn's Ferry," where the trail from Trinidad came in. One night when Blackburn and his wife were asleep, so the story goes, a party of Indians killed a group of tourists sleeping nearby in a tent and then attacked the house. Blackburn held them off with a gun until daybreak when help arrived in response to the firing. His grief was compounded when he found the body of his father, who had been on his way for a visit, on the trail from Trinidad. In response to this incident, the settlers attacked an Indian village (Irvine, 1915). A settler residing near Trinidad in 1850-6, summed up the situation as follows:

I relate these cases because they prove that in many places the whites, on the assumption that they are the stronger, indulge in the commission of the most brutal crimes against the natives. If these crimes become known to other tribes where the injured Indian has blood relatives, and especially if the crimes are committed against women, it is no wonder that reprisals are made on travelers. Then the whites complain of the savagery of the Indians and of the danger, and call for military protection. In any case, the whites undertake raids of their own, burn and destroy supplies, and slaughter, with superior weapons, without regard to sex and age, all who do not flee in time, thus teaching the Indians who are clever enough to get away a bad lesson, a lesson which makes them more bitter.... A mule often costs the lives of several human beings (von Loefflholz, 1991 [1893]).

One author describes Yurok life during this period as "some of the worst years the Yurok ever had" (Morris, 1992).

There were many years that the men were afraid to leave their mothers, wives, and daughters while they hunted or fished, for fear that the women would be raped or killed in their absence (Morris, 1992).

By 1851, almost all of the Yurok villages along the Klamath had been burned by miners (Morris, 1992). In addition, whole villages died from outbreaks of small pox, measles, and tuberculosis. Several villages moved into the high mountains and camped for months at a time to escape the outbreaks.

Keeping the Peace

This period of violence and rapid change on the Klamath coincided with the development of California as a state and the formation of policies affecting California tribes. During the first part of the nineteenth century, the main focus of U.S. Indian policy was either on removing tribes to reservations or assimilating them into white society. As early as 1789, Congress vested the War Department with authority over "Indian affairs." With the evolution of the Doctrine of Manifest Destiny, Indians were perceived as an obstruction to westward expansion. During the 1810s and '20s, the federal government pressured eastern tribes, often through the use of treaties, to move west of the Mississippi River to territory acquired in the Louisiana Purchase (Snipp, 1992). With the election of Andrew Jackson in 1828, Indian policy became more forceful. In 1830, Congress passed the Indian Removal Act which forced any tribes remaining east of the Mississippi to emigrate to newly created reservations in the West. Efforts also were made to confine tribes in the Plains, Southwest, and West Coast to isolated reservations in an attempt to segregate Indian populations from settled areas (Snipp, 1992).

In 1824, the name of the Indian Department was changed by executive action to Bureau of Indian Affairs (BIA)⁴. Congress established a Commissioner of Indian Affairs in 1832 and branch status was obtained with the BIA "organic act" of 1834 (Jackson and Galli, 1977). The first Commissioner, Albert Herring, was appointed in 1832. He believed strongly in individualism and disliked the common property systems that often were found in Indian tribes. Both he and his successor advocated the division of Indian lands into individual land holdings and segregation of Indians from white populations.

The Bureau of Indian Affairs remained in the War Department until 1849, when it was transferred to the newly-established Department of the Interior. Early Federal administration of Indian affairs in California proved to be difficult for reasons more

⁴ The Bureau of Indian Affairs was established in 1824 but various Commissioners and highly placed individuals preferred to refer to it as the Office of Indian Affairs, even on official letterhead. This preference occurred for various reasons including political cartoonists who used the term 'bureau' to their advantage. In the 1920's this problem became so bad that the Bureau was referred to as the Indian Service. The term used depends on the era, the report, and even the chapter (with different names often used for different chapters). The matter was laid to rest only in 1947 when Bureau of Indian Affairs was officially adopted as the name, and word went out not to use alternatives. (Prucha, 1984) We use BIA throughout.

complicated than just the logistics of maintaining clear communication between Washington, D.C. and the far west. Much had to do with the sudden acquisition of California from Mexico and the rapid population growth stimulated by the Gold Rush.

While land title granted under Spanish or Mexican rule was recognized by the 1848 Treaty, Spanish law never recognized aboriginal occupancy as constituting Indian title to land. Because Spain and Mexico did not recognize aboriginal title they did not see the need to make treaties with the Indians or to define their land rights. There was also no effort to separate the Indians from immigrant populations, and in fact Indians often were used as slaves. As a result, at the time of statehood, the boundaries between Indian and white land were even less clear than elsewhere in the Union. The California Land Claims Commission, set up in 1851 to hear claims of previous landholders, heard a few claims made by Christian Indians that officially had been given title to mission land when the missions were secularized in 1834, but that left the question of title for the remaining Indian lands unclear. Unlike Spain and Mexico, the U.S. government did to some degree recognize Indian title to aboriginal lands within the new territories, so confusion about land title created much tension among settlers and tribes in California (Roberts et. al. 1983).

Early California Indian policy focused on using neophyte Indians (those who had recently converted to Christianity) to create buffer zones between settlers and "wild Indian" territories. With the growing number of settlers, this was an increasingly difficult process. While a few settlers accepted coexistence with the Indians, many wanted the issue of land title resolved and called for the termination of any existing Indian land title. Some groups even called for removal of tribes from within state borders. Because removal was not feasible — there was no land further west and no states or territories to the east that would accept additional tribes — some settlers and state legislators argued that extermination was the only solution. By 1850, hostilities had risen to the point where some form of federal intervention was needed.

The situation was further complicated by difficulties at the federal level. The sudden acquisition of the Mexican territory put a strain on both the military and the BIA, neither of which had sufficient means to keep the peace. To handle the increased territory and rapidly changing conditions, the BIA underwent a reorganization from 1849 to 1860 that included an increase in the number of field offices and superintendents, and an increased emphasis on recording information about the tribes for posterity. Unfortunately, the 1849 transfer of the BIA from War to Interior led to constant wrangling between Indian affairs

and the military as to jurisdiction over different aspects of Indian policy and management.

The Indian Treaties of 1851

In an effort to resolve the land title issue and the rising conflict levels, in 1850 the federal government sent three BIA Commissioners to California to try to negotiate treaties. The Commissioners agreed to focus on gathering Indians onto reservations in order to contain and eventually break up tribal customs, emphasize individual property rights, and generally “civilize” them. In return for a defined reservation that would be set apart forever, various food and material annuities, and federal protection, the Indians were to be peaceful and “recognize the U.S as sole sovereign of all land ceded to them by Mexico” (Roberts et al. 1983). The Commissioners began their treaty-making expedition at Mariposa where hostility had risen to such a point that Governor McDougall had sent in the state militia and declared "a state of war" between California and the Indians. A treaty was successfully negotiated with tribes in the area in March, 1851. California then was divided into three districts, each with a designated Commissioner tasked with making treaties using the Mariposa treaty as model.

Redick McKee was the Indian Agent in charge of the northern of the three treaty districts, including the Klamath-Trinity area. By 1851 miners and Indians were competing for the same lands and water along the Klamath and Trinity Rivers and environmental damage from mining and coastal development were beginning to affect the Yurok’s ability to sustain themselves. Random acts of violence also were increasingly taking place between miners traveling through Yurok territory and local Indians.

After informing the whites in the area of his intentions, McKee went into the mountains and sent out scouts to bring the Indian leaders to his negotiations. At first, his efforts were unsuccessful as many of the Indians wanted nothing to do with the whites. His persistence eventually won them over, however, and leaders from Yurok, Hupa, and Karuk territories gathered to meet with him. McKee promised that the violence and sickness that the miners had brought would not be repeated if the Indians would abide by the terms of the treaty. On October 6, 1851, the treaty was signed and the Indians returned to their villages.

The northwestern treaty turned out to be the last signed in California. The public still

preferred removal or extermination over the reservation system and did not want more treaties. Questions also arose concerning the financing of McKee's expedition and the treaty stipulations. In 1852, the BIA recommended to Congress that the treaties be ratified, but because of concerns raised by California citizens that the treaties gave too much valuable land to the Indians, Congress declined to ratify any of the treaties that had been negotiated by the California Commissioners.

On April 25, 1851, the California state legislature established the county of Klamath with the county seat at Orleans. Siskiyou, Humboldt, and Del Norte were eventually formed from this county. Klamath County was dissolved by the legislature in 1874 (Savage, 1991).

Establishment of the Yurok Reservation

From 1853 to 1864, California struggled with the federal government for control over Indian affairs as it attempted to expand settlement into Indian territories and to protect its citizens with a state militia. While much of the public still feared the Indians and favored removal or extermination policies, the Bureau of Indian Affairs and the military worked together to devise a system for coexistence of whites and Indians. The treaty expeditions had been successful in winning goodwill and in gathering information regarding the region and their inhabitants. These details proved useful for the first Superintendents for Indian Affairs in California during the 1850s-60s as they developed a reservation system with the goal of "civilizing" the Indians and making them self-sufficient.

Stephen G. Whipple, assigned as Special Indian Agent for the Klamath-Trinity area, was charged with recommending a suitable site for a reservation in the region. His first suggestion, the Hoopa Valley, was rejected, partly because of a number of white land claims within the potential borders. Whipple then suggested the 36 miles of the Lower Klamath River inhabited by the Yurok tribe as an ideal site. The area had not been infiltrated by settlers to any large degree and still contained a number of Yurok villages whose subsistence base remained relatively intact. The Klamath River Reservation was formally established by executive order, signed by President Franklin Pierce, on November 16, 1855. Because a recent piece of legislation required that reservations not exceed 25,000 acres, the actual boundaries included only the lower 20 miles of the river, with the lands one mile on either side of the river comprising the reservation (Figure 1-1).

As reservations were created, a number of forts also were established in an attempt to maintain the uneasy peace between Indians and settlers. In 1853, Fort Humboldt was established near Eureka to serve as a base for military operations in the northwest region. Fort Terwer (Ter-waw) was established by Lt. George Cook of the Fort Humboldt military district in 1857. It was constructed in conjunction with the establishment of the Klamath River Reservation and located within its boundaries near Terwer Creek (Figure 1-3). The main duties of the soldiers stationed there were to maintain peace between the Indians and the few whites in the area and to facilitate the relocation of outlying Indians onto the reservation. Between 1857 and 1861 considerable progress was made in relocating other tribes onto the reservation. A glaring exception was the Hupa tribe who refused to be moved out of Hoopa Valley. As a result, Fort Gaston was built in Hoopa Valley in 1858 to try to alleviate the growing trouble between the Hupa and whites who had settled in the valley in 1853. Nevertheless, the Klamath River Reservation appeared to be reasonably successful in providing a stable and safe location for many of the Indians living along the river, with good access to traditional fishing grounds as well as some agricultural lands on the alluvial soils where tributaries meet the river.

Unfortunately, this period of relative calm was short. The winter flood of 1861-62 devastated the Reservation, washing away much of the best agricultural land and destroying Fort Terwer. The fort was abandoned and administrative control for the Yurok was passed to the Military Commander at Fort Gaston in Hoopa Valley, although the BIA maintained control of Reservation land. Surviving Indians were to be moved to the Smith River Reservation to the north. Many Yurok, however, remained on the Klamath River to rebuild their homes and continue their traditional way of life. Others returned from Smith River within a few years. Unfortunately, the abandonment of Fort Terwer and official relocation of the local Indians led many settlers to believe that the reservation no longer existed.

In 1864, the Hoopa Valley Reservation ("Hoopa Square") was established as a multi-tribe reservation for the Indians in the Hoopa Valley and surrounding areas. At the time, the BIA had plans to extend the Hoopa Valley Reservation down the river to cover the abandoned Klamath River Reservation or to at least establish a station there under control of the Hoopa agent. Such action was needed "as care can then be had for the large numbers of friendly Indians (Yurok) living on the Klamath River who subsist themselves, but require some protection from the government" (Superintendent Wiley *in* Bearss, 1981).

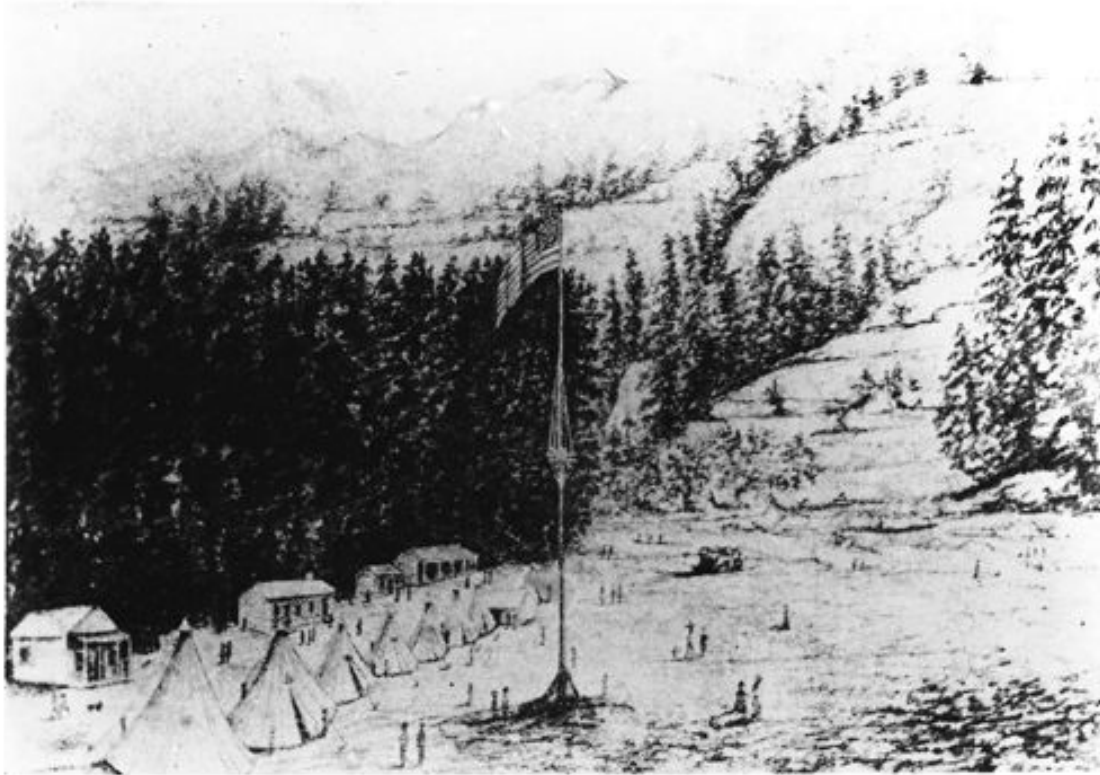


Figure 1-3. Fort Terwer, established in 1857.

Because of Fort Gaston's jurisdiction over the two reservations in the wake of the destruction of Fort Terwer, administration of the Yurok tribe's affairs became intertwined with and to a large extent subsumed by the affairs of the Hupa tribe and the development of the Hoopa Valley. Attempts were made in the 1860s and 1870s to encourage the Yurok to adopt agricultural practices, but their isolation from the headquarters at Fort Gaston resulted in a general neglect of their social and economic welfare. The distance of Fort Gaston from the Lower Klamath area also made close monitoring difficult and led to a considerable number of land losses and trespass by settlers.

Despite efforts to force the tribe to acculturate to white society, the Yurok did not abandon their culture. While they would accept white culture when it was beneficial to them, learning English and various trades, they in large part retained their traditional practices and spiritual beliefs. In particular, the Yurok never chose to organize after the European fashion, with a unifying government over all the Yurok people. Instead, they

maintained the tradition of more localized organization and individual family and village autonomy that characterized pre-contact life.

Increased White Settlement

In 1878, several legislative Acts were passed that affected white expansion and settlement in western forest areas. The Free Timber Act allowed western settlers the right to cut timber at will on mineral lands for both domestic and mining purposes. The Timber and Stone Act allowed settlers in California, Nevada, Oregon, and Washington Territory to claim timber lots of 160 acres that were to be used in conjunction with homesteads. These laws, particularly the Timber and Stone Act, were used by land speculators to illegally acquire redwood lands in northwest California. For example, the California Redwood Company engaged in major fraud late in 1878. A group of California and Wisconsin timberland speculators brought several Scottish capitalists into the enterprise and attempted to acquire the best of the redwood lands in Humboldt County. By paying sailors and laborers to act as entry men for quarter sections of prime timberland, and bribing General Land Office officials to look the other way, the company acquired thousands of acres of valuable redwood land just north of the Klamath River. In one day 349 deeds from these entrymen were filed for registration in Humboldt County, evidently without creating any suspicion among officials in Washington. While the scheme was broken up four years later and some of the patents forfeited, the company illegally gained access to millions of feet of timber and retained title to extensive acreage (Savage, 1991). Although it was almost impossible to acquire any considerable block of timberland from the government without bribing local land officers or at least including them among the beneficiaries of a scheme, one single investor, Thomas B. Walker, managed to amass 700,000 acres of heavily timbered land in northern California (Savage, 1991).

By the 1880s, driven by increased demand from the Port of San Francisco, the lumber industry had expanded up the coast of northern California. Focused on the harvest of coastal redwood forests, timber interests did not shy away from entering Indian lands along the coast and the lower stretches of rivers. Because of the absence of any military authority along the Lower Klamath after the destruction of Fort Terwer, the Klamath River Reservation became a prime target for trespass by whites. Some settlers, genuinely or perhaps optimistically confused by the temporary abandonment of the land after the 1861-1862 flood, tried to make land claims along the river. In 1874, arguing that the land had not been occupied by Indians since the flood, white citizens from Del Norte County

petitioned the Commissioner of Indian Affairs to declare the reservation abandoned (Heffner, 1986). BIA agents on the Hoopa Reservation, however, claimed that in reality very few of the Yurok had left the Klamath after the flood and stated that “the Indians of the Lower Klamath River, (were) by far the most numerous and important tribe in this vicinity” (Whipple to Parker, March 20, 1871, Executive Documents, H.R. 2nd Session 42nd Congress 1871 cited by Heffner, 1986). This tension between white settlers who saw the reservation land as abandoned and the federal government who from time to time still considered the land as reserved was to have a major impact on the Yurok Forest.

In addition, commercial and sports fisheries were beginning to flourish along the coast, profiting from the rich Klamath-Trinity salmon runs (Figure 1-4). This further increased white interest in the Yurok lands along the Lower Klamath. In 1885, R.D. Hume's "floating cannery" entered the mouth of the Klamath and began harvesting the salmon that the Yurok and other tribes still depended on heavily. In 1879, the Adjutant General used military forces to try to evict settlers and stop white fishing at the river mouth but these efforts were by and large ignored (Heffner, 1986).

As early as 1878, settlers began to move into the area between the Hoopa Valley and Klamath River Reservations (White, 1991). Concern about possible clashes between whites and Indians, as well as admiration expressed by Indian Agent Paris H. Folsom for the Yurok way of life, led to recommendations that the Hoopa Reservation boundaries be extended to include the river-front land between the reservations. Acting on these recommendations, President Harrison signed an Executive Order in 1891 extending the Hoopa Valley Reservation for one mile on each side of the Klamath River to the Pacific Ocean (Appendix I).

The Executive Order specifically excluded any lands within the new boundaries to which valid rights had already been attached. Unfortunately, this allowed two interpretations of the order: one excluded the Klamath River Reservation from the Hoopa Extension Reservation as an area where valid rights, e.g. a reservation, were already attached, and a second included the Klamath River Reservation in a “Hoopa Valley Extension Reservation.” From time to time, one or another of these interpretations was the official one. BIA correspondence of 1962 states that it had been “administratively determined” that the Klamath River Reservation was excluded (Ripke, 1962); a 1973 court decision determined that the Klamath River Reservation was indeed part of the Extension Reservation (Heffner, 1986).



Figure 1-4 Fishing At the Mouth of the Klamath, 1885.

Allotment

During the 1880s, in an effort to encourage assimilation, federal Indian policy began to embrace the idea of breaking up reservations into farm-sized units and distributing parcels to Indian families. Congress passed the General Allotment or Dawes Act (24 Stat. 388-391) in 1887 (Appendix I). The Act provided for the allotment of reservation lands to individual Indians. As amended by the Act of 1891 (26 Stat. 794), eighty acres of cropland or 160 acres of grazing land could be allotted to each individual Indian. The Secretary of the Interior would negotiate with the tribe to purchase surplus reservation lands which could then be made available to the general public. Money that tribes received for their unallotted land was to be managed by the Treasury for the tribe and could be appropriated by Congress for purposes of the tribe's education or civilization (Prucha, 1984).

Settlers on the lower Klamath were deeply angry about the military evictions of whites from reservation land in the 1870's and 80's, and resented the amount of land that was "locked up in the reservation" for what they argued were a very few Indians. In response to pressure from logging, fishing, and farming interests, Congress passed the Act of 1892 (27 Stat. 52) (Appendix I) authorizing the allotment of the Klamath River Reservation.⁵ The Act stipulated that unallotted lands on the Klamath River Reservation would be returned directly to the public domain. Once in the public domain, unallotted lands could be sold or settled in accordance with existing legislation such as the homestead laws and the 1878 Timber and Stone Act. Sale proceeds were to be paid into a fund for maintenance and education of the Yurok (Bearss, 1981). The implied interpretation of the 1891 Executive Order creating the Hoopa Valley Extension was that it excluded the Klamath River Reservation. On September 23, 1892, Special Indian Agent Ambrose H. Hill was instructed to allot the reservation to Indians residing on the reservation as of June 17, 1892.

Under the Dawes Act as implemented nationwide, Indians had four years after authorization to select their allotment or the Special Indian Agent assigned to allot the reservation would do so for them. The Indian was issued a trust patent, "which declared that the United States would hold the allotted lands in trust for twenty-five years for the Indian and for his sole benefit or that of his heirs. At the expiration of the trust period, the Indian would receive the land in fee simple" (Prucha, 1984). When he obtained an allotment, the Indian was also granted U.S. citizenship⁶. Allottees also received a supply of farm implements and were encouraged to adopt farming as a livelihood with their allotted lands (Snipp, 1992).

⁵The Hupa Square was not allotted, mostly due to incomplete and incorrect surveys made previously of the Hoopa Valley Reservation after a dispute over its borders. In addition, all the families on the Hoopa reservation wanted to be allotted parcels with river access, but due to the shape of the reservation, this was not possible. There was also less pressure on the government to allot the Hupa lands, which were too far inland to be useful for logging or fishing, and which remained relatively isolated and inaccessible until well into the twentieth century.

⁶There was confusion about whether or not the Indian was to become a citizen when granted the trust patent, or when granted the fee patent twenty-five years later. When a court case in 1905 determined that under the Dawes Act citizenship came with the trust patent, the Burke Act of 1906 stipulated that it was to be granted at the end of the trust period.

The approximately 25,000 acres of the Klamath River Reservation were allotted in 1893-4. Allotments were made of 9,790 acres, 70 acres were set aside as three “village reserves,” and the remainder was returned to the public domain (Figure 1-6) (see Chapter 3). In line with the aspirations of the Dawes Act, the lands allotted were mostly agricultural and grazing land, leaving the timberlands for public domain. Authority for allotments in the connecting strip between the Klamath River and Hoopa Valley Reservations was granted by President Benjamin Harrison on September 30, 1892, but the estimated 29,000 acres were not allotted until survey work could be completed. The 1882 Haughn survey of the region was found to be inadequate, and in 1896 a contract was written for the Gilcrest survey, completed over the next two years (Theodoratus, Chartkoff, and Chartkoff, 1979). In 1898-9, allotments were granted on 19,357 acres, with about 320 acres set aside in village reserves. Some of the lands that were not allotted were those that had been claimed prior to the Executive Order of 1891, but at least 3,350 acres remained as unallotted trust land (see Chapter 3) at the conclusion of the allotment process. President Harrison did not stipulate what was to be done with the unallotted lands on the connecting strip.

In line with the agricultural intent of the Dawes Act, the lands allotted were not the most desirable timberlands, particularly on the Klamath River Reservation. In 1918, the Hoopa Superintendent noted in a report that "for some reason the land that was sold [to whites, after being returned to the public domain] contained practically all of the valuable timber and the land that was allotted to the Indians was what was left over." The Superintendent knew "nothing about the circumstances under which these allotments were made but each time that I make a trip to the territory I have it more forcibly impressed upon my mind that somehow the Indians did not get a fair portion of the land" (as quoted in Theodoratus, 1979, Chartkoff, and Chartkoff, 1979, p. 173).

Four Yurok allotments were used for a cannery established by A. Bomhoff at Requa, near the mouth of the Klamath, in the 1890's. In exchange for the land, Bomhoff committed to hiring only Indians as fishermen and workers in the cannery. More canneries soon followed. Commercial salmon fishing became a major source of employment for the Yurok in the first part of the twentieth century, beginning the shift from a subsistence to a wage-based economy. Eventually, employment in the logging industry would also become important.

Gradually, Yurok allotments on the lower Klamath became increasingly desirable because of their proximity to the river and to the redwoods. As Douglas fir became more and more valuable during the second world war, Yurok allotments on the connecting strip also grew in value. As was the pattern nationwide, the great majority of allotted lands were eventually fee-patented and sold (Chapter 3). Most of the reservation is now in non-Indian ownership. Today, 406 acres remain in trust allotments on the area of the Klamath River Reservation, and 1,501 acres remain in trust allotments on the connecting strip (Figure 1-6)(also see Chapter 3).

Early Management of Tribal Timber and other Natural Resources

Over time, federal policy for timber management on Indian lands has been influenced by both trends in Indian policy and in forestry. Initially, there was little regulation and tribes disposed of timber on reservation land as they saw fit. In 1888, the U.S. Attorney General ruled in a Minnesota case that there was no legal authority for the cutting of timber on Indian lands. This decision led to passage of the Act of February 16, 1889 (25 Stat, 673) permitting the harvest of dead and fallen timber on tribal land, with benefits going to the tribe through the BIA as trustee (Appendix I). Indian agents who oversaw the contracts for this harvesting and managed the resultant trust funds had little guidance from the BIA at the time. Employment of Indians in harvesting and milling was encouraged as yet another way of "civilizing" them. There were, however, several conflicting court decisions on timber cutting, and the resulting confusion led to the suspension of logging on all reservations from 1899 to 1900. In the words of one former BIA forester, "BIA forest policy was simply undeveloped" (Kinney, 1950).

The close of the nineteenth century saw the establishment of the U.S. Forest Service to protect and manage the nation's public domain forests. The President was given authority to create reserves in the Appropriations Act of 1897. Later, under the leadership of Gifford Pinchot, the reserves were transferred from the General Land Office in the Department of the Interior to the Forestry Bureau (later renamed the Forest Service) in the Department of Agriculture. Both the Klamath and Trinity Forest Reserves were established by presidential proclamation in 1905. From 1902-1909, along with other power struggles between Interior and Agriculture, the Forestry Bureau and the BIA competed for supervision over Indian forests. In 1906, a cooperative agreement gave administrative authority over reservation lands to the Forest Service, but after the disastrous results of Forest Service mismanagement of the Menominee tribe's timber, authority was transferred back to the BIA in 1909. Gifford Pinchot encouraged an

outgoing President Roosevelt to transfer eight Indian forests, including the Hoopa, to Forest Service authority in 1909, but the courts ruled that the President had no such authority and the executive proclamations were formally rescinded in 1912 (Kinney, 1951).

By 1875, timber trespass by whites already was one of the main sources of conflict along the Klamath River. During the 1890s, trees on Yurok lands were officially cut and processed at local sawmills primarily to provide allottees with lumber to construct homes on their newly acquired homesites. BIA regulations in 1904 authorized superintendents to permit the cutting of timber in order to clear a maximum of 10 acres per season for agricultural use. Although the regulations contained restrictions to ensure clearing the land was done in "good faith," and to make sure that the Indians received fair market value for the sale, the policy was primarily used by lumbermen to cut large areas of redwood timber along the lower Klamath. Again, the distance between the Hoopa Valley Agency and the Yurok lands made it difficult to protect these forest resources.

By 1908, increasing pressure from timber companies motivated the Superintendent at Hoopa to request authority to allow sales of timber from allotted lands in order to benefit allottees. Some allottees were already bargaining to sell their land. Prospective purchasers would pay half the parcel's value to hold it until the allottee gained the fee patent and could sell it outright. Allowing the cutting of timber for sale, not just for agricultural purposes, was seen to enable the Indians, many of whom were living in poverty, to profit from the lumber without losing their land.

In June, 1910, Congress passed an Omnibus Bill (36 Stat. 857) dealing exclusively with the administration of the BIA (see Chapter 3). The Act was a landmark for Forestry on Indian land because it was the first bill to address forest policy since the 1889 Act allowing harvest of Indian timber only when dead or fallen. Two sections of the 1910 Act dealt with forestry issues. One section authorized the cutting and sale of mature timber on both allotted and unallotted Indian lands. Another section provided for the conservation and management of Indian forests. Regulations passed as a result of the 1910 Omnibus Bill, and subsequent modifications in 1918 and 1920, set forth multiple-use objectives for Indian forests, and established standardized rules and procedures for the use and sale of timber, including marking, scaling, and administration of agency sawmills. The regulations also defined conservation practices, provided for protection of Indian forest lands from fire and trespass, and detailed the governance of timber sales contracts. Proceeds from sales of timber on unallotted trust land were to be used as

determined by the governing bodies of the tribe concerned and approved by the Secretary of the Interior, or in the absence of such a governing body, as determined by the Secretary. The Act also gave the BIA authority to develop a branch of Forestry. This marked a substantial change in direction for the BIA. Up to this point, Indian policy revolved around the allotment of Indian land. This new law provided a tool for maintaining and managing the land (Kinney 1951; Newell et al. 1986).

Until the early 1920's, the BIA Forestry Branch was also geared to the allotment era focus on agricultural development of Indian lands. Over time, resource conservation programs being developed in other agencies, such as the Forest Service, began to be implemented on Indian lands. Increased demand for lumber during World War I also contributed to a gradual shift in focus from managing Klamath River lands primarily for agricultural purposes to managing them for timber.

Until the late 1920's, most commercial forestry occurred on the coast or lower Klamath because of the difficulties posed by lack of access further inland. In 1918, a mill operator presented a proposal to the BIA to purchase timber cut by Indians upstream and floated down the river to his mill in Requa. The BIA's acceptance of his proposal led to the first officially-sanctioned selling of timber, mostly Port Orford cedar, from allotments along the Klamath. The first forest officer in the area was stationed at Requa in 1918.

A major preoccupation of forest management during this period was fire protection. This was reflected by passage of the Act of September 20, 1922 (42 Stat. 857) which mandated that the Secretary of the Interior protect timber on public lands, National Parks, National Forests, Indian Reservations, or other lands under the jurisdiction of the Department from the depredations of fire, insects, and beetles.

Suppressing fire in the region was not an easy task due to inaccessibility, limited funds, and the belief by many, especially the Yurok, that fire was a good thing (Roberts, 1983). An additional problem on Yurok lands stemmed from the state and national forest lands that were intermixed with allotments and tribal trust parcels. Cooperative agreements had to be reached with the state and national forest agencies as to who would be in charge where. Allotments also created numerous management problems for other aspects of forest management (Chapters 3 and 4). Management and monitoring difficulties were compounded by inaccurate surveys of reservation and individual allotment boundaries and the fragmented landownership pattern along the river.

Tribal lands were reopened to mineral prospecting and lease by legislative act in 1919. Permittees were required to pay a royalty of 10 percent of the gross value to the tribe, and an annual rent of \$80 for the location site. Mining took place in the area during both World Wars, as well as during the 1930s, mostly for ores such as copper, chromite, and manganese (Theodoratus and Jackson, 1980).

Timber Management and Federal Indian Policy after the IRA

The 1930s brought radical change to U.S. Indian policy. The major changes were embodied in the Indian Reorganization Act (IRA) of 1934 (48 Stat. 984-988) (Appendix D), which was instigated and implemented under the supervision of John Collier, who was appointed Commissioner of Indian Affairs in 1933. The legislation was based in large part on the findings of the 1928 Meriam Report which detailed the failure of the allotment policy and the resulting homelessness and impoverishment on most reservations. The IRA repealed the 1887 Dawes Allotment Act, extended the trust period indefinitely, and authorized the organization of tribal governments. In addition, efforts were made to solidify tribal land bases (i.e. eliminate "checkerboarding") by returning surplus lands to tribal control and by encouraging the voluntary transference of allotted lands back to the tribes through acquisition or death inheritance (McCaffrey, 1994). Although the Yurok did not form a tribal organization under the IRA, the emphasis on stabilizing Indian lands and other new deal programs did curtail the attrition of their trust lands.

The IRA also contained conservation provisions, including land rehabilitation programs, and placed timber and range resources on a sustained yield basis, mandating that the BIA plan for optimal use on a long-term basis. The Indian Conservation Corps provided jobs during this period and carried out a variety of construction projects. It is believed that the Weitchpec bridge was built or strengthened by a CCC crew (Roberts et al. 1983). Both the IRA and the increased economic opportunities from these public work projects contributed to a dramatic stabilizing of the Yurok forest's land base (Chapter 3).

Most resource reforms, however, were slow in coming. First, during the Great Depression the timber market slumped in response to an imbalance in supply and demand that led to a glut of timber on the market. Then World War II diverted funds that had been earmarked to improve roads and build sawmills, effectively bringing to a halt plans

for developing and marketing Indian timber. During the war, some timber harvesting took place along the Lower Klamath, mostly of Port Orford cedar which was used as separators in the manufacturing of electrical batteries.

In 1931, the Forest Service, in an effort to create a “Redwood National Forest” running through the lower Klamath, embarked on an ambitious redwood forest acquisition program targeting reservation lands including 780 acres of Klamath River Reservation and 2,110 acres of Indian allotments (Heffner, 1986) before the program was abandoned during WWII. Much of the 14,492 acres actually purchased was eventually exchanged with Arcata Redwood Company to compensate them for lands that went into Redwood National Park. In 1942, the Forest Service organized the Cooperative Forest Fire Prevention Campaign to encourage average citizens all over the country to participate in fire prevention as part of the war effort. This reinforced fire suppression policies on the Yurok forest.

The 1950s saw a reversal of federal policy back toward encouraging the assimilation of Indians into the dominant society. This time the method was not the division of reservations into individual allotments but wholesale termination of Federal trust status over Indian lands via House Concurrent Resolution 108 (Appendix I). Government programs attempted to “relocate” Indians from reservations throughout the West, offering them incentives to settle in urban areas. This shift occurred under the influence of the Cold War and more general trends toward decentralization of authority and efforts to reduce “big government” and its associated costs. Under a companion bill, Public Law 280, jurisdiction over Indian lands in many states, including California, was transferred to the State government level. Although these policies led to the actual dismantling of relatively few reservations the termination mindset was reflected in most Indian policy of the decade and this period has become known as the “Termination Era” in Federal Indian policy history.

Coinciding with the Termination Era was a steep rise in timber prices along the Klamath. The combination of high demand and federal emphasis on getting Indians off reservations resulted in the alienation of considerable Yurok land (Figure 1-6) (Chapter 3). A trust allottee who wished to sell timber had to go through the BIA as trustee. Because the Bureau has complex regulations for timber sales, designed to protect the interests of all the owners of a parcel and to get the best price for the timber (Chapter 3), it can take more than a year to go through the process. Alternatively, by taking the allotment out of trust an allottee could sell the timber, or the land and the timber, immediately. A

substantial number of the allotments taken out of trust during this period were fee-patented to a timber company purchaser or to local loggers (Figure 3-3).

In the 1960s, the termination policy was shelved and increased focus placed on cultural pluralism and Indian "self-determination," including tribal management of resources. Funds received under the Economic Opportunity Act of 1964 gave tribes the resources and education to begin to develop and protect reservation land. Unfortunately, in 1964 the worst flood on the Klamath in recorded history wiped out the town of Klamath and many low-lying houses (Figures 1-5 and 1-6). Precipitation for the entire Klamath River Basin was 300 percent of normal. Flood damage was suffered in widely scattered areas, even up creeks where water backed up. Roads were badly damaged making many areas even more inaccessible. The Red Cross established emergency aid to lessen the hardship to Reservation residents. The Six Rivers National Forest exchanged 94 acres of National Forest lands with Del Norte County to provide an area for reconstruction of the town of Klamath. The village of Natchko also had to be re-built on a different site (White, 1991).

The 1970's were a period of significant activism in Indian affairs, in part a result of increased ability to take an active voice in administration. Most significant of the numerous pieces of Indian legislation passed during the 1970's was the Indian Self-Determination and Education Act of 1975 (88 Stat. 2203-2217) which provided for tribal contracting of services previously provided by the BIA and other government agencies.

In 1986, a Forest Service parcel north of the Klamath River near Requa was considered for a land exchange with Simpson Timber but was found to be important for ceremonials associated with the White Deerskin and Jump Dances (Heffner, 1986). It would eventually become part of trust lands on the Yurok Reservation as a result of the Hoopa-Yurok Settlement Act of 1988 (102 Stat. 2924). The Act resolved the issues raised by the Jessie Short Case.



Figure 1-5. Klamath before the flood of 1904.



Figure 1-6. Results of the flood.

The Jessie Short Case

Timber sales have played a crucial role in changes that the Yurok have faced in recent decades. In 1963, a legal suit was filed against the United States on behalf of sixteen named Yurok plaintiffs. It was modified in 1967 to include 3,222 additional claimants and descendants. The suit, known as the Jessie Short case, asserted that the Yurok should share equally in the proceeds derived from timber resources on the area comprising the original Hoopa Valley Reservation (the "Square"). Per capita payments from timber revenue had been being paid out to enrolled members of the "Hoopa Valley Tribe." In 1972, the U.S. Court of Claims ruled that the creation of the Hoopa Reservation in 1864 and its subsequent enlargement in 1891 formed a single, integrated reservation in which all Indians of the area received equal rights in common. This opinion was based in part on historical wording describing the original 1864 reservation "for Indian use" but without geographical specification as to areas of Hupa or Yurok use. As no area had clearly been set aside for one specific tribe, the court ruled that the Yurok were entitled to share in the resources of the entire reservation. Both the United States and the Hoopa Valley Tribe petitioned for the judgment to be reviewed. In 1974, the petition was denied.

Part of the discord surrounding the Jessie Short case, even before the decision, had to do with the lack of federally-recognized tribal organization for the Yurok. For some time, the BIA had been trying to promote tribal organization and federal recognition of the Yurok tribe so that they could gain access to many funding sources for economic development. The BIA also believed that tribal organization of the Yurok would be the most expeditious means of implementing the Short decision. The Yurok, however, remained faithful to their tradition of a people united by culture and language rather than centralized authority. Arguing that forming a separate tribal organization could also jeopardize their claims to resources from the Hoopa Valley Reservation, many Yurok bitterly opposed organization. Throughout the 1970s, the BIA tried to push through plans for Yurok organization only to be blocked by the tribe's attorneys who favored the creation of an all-reservation - inclusive of the Square and the Extension - Tribal Council.

In 1978, the BIA initiated the "Gerrard Plan" calling for the formation of a joint Yurok-Hoopa Tribal Council with representatives from the two tribes, each independently recognized, to manage some aspects of the shared resources of the reservation. The unified tribal government would, for example, work out some of the management of the salmon fishery. Until this joint council was formed, the BIA, with trust responsibilities

for both the Hupa and the Yurok, assumed the management of all Reservation assets and resources. This included issuing fishing permits to both Yurok and Hupa tribal members and holding 70 percent of the funds from logging in a trust account until the Yurok formed an independently recognized tribe and tribal roll. The trust account was a stipulation of the Court which held that, until the question of tribal membership was resolved, receipts from timber sales on the Square should be held in an escrow account. Because there was believed to be a roughly 3 to 1 ratio of Yurok to Hupa, the Court required that 70% of the revenue be held in trust for distribution to the Yurok once eligibility was determined. The remaining 30% was to be distributed to the Hupa membership. No joint council was formed, however, and the Gerrard Plan was abandoned in 1982. Until 1988 the Hupa Tribe was permitted to draw only interest from the timber trust account to fund essential government services (Harris et al., 1995)

The dispute begun with the Jessie Short decision continued to play itself out in the courts. In 1988, the *Puzz* case supported the original Short decision that everyone on the reservation had an equal right to participate in the management of and proceeds from the entire reservation's natural resources. Eighteen days after the *Puzz* decision was handed down, Representative Doug Bosco (Northern California) introduced a bill into Congress which would become known as the Hoopa-Yurok Settlement Act (P.L. 100-580). The Act reversed the court decisions, divided the trust account between the two Tribes, and partitioned the land into two separate Reservations: the "square" became the Hoopa Valley Reservation and the "extension" (including the Klamath River Reservation) became the Yurok Reservation. All National Forest Service lands remaining within the bounds of the new Yurok reservation and 14 acres of the Yurok Experimental Forest, including structures that are now used by the Yurok tribe, were allocated to trust status on the Yurok Reservation.

The Settlement Act specifically mandated that the Yurok form an Interim Tribal Council to develop a constitution for the approval of Yurok Tribal members and the Secretary of the Interior in order to gain recognition as a tribe and to take over the governance of tribal lands and assets. A 1991 study of where potential voters on the constitution lived showed that of 2,197 voters, 123 have addresses on the upper part of the reservation, 164 live on the lower part of the reservation, 298 live in Hoopa, 593 in Humboldt County, 208 in Del Norte County, 410 elsewhere in California, and 331 in other states (Yurok Tribe, 1993). As of this writing, the constitution has been submitted and approved and a Tribal Council established.

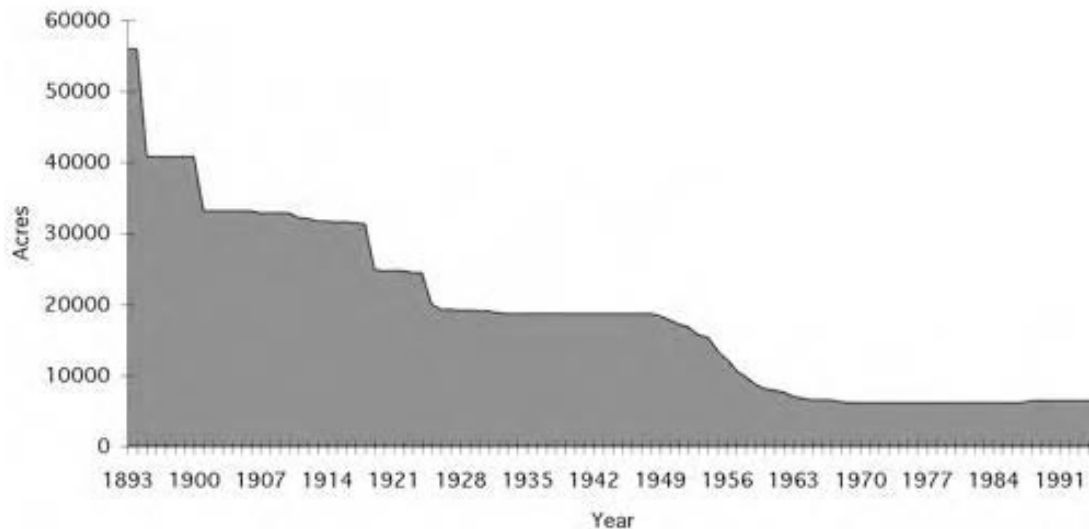
The division of the reservation into two independent parts has had a significant impact on the economic resources available to the Yurok. Current timber reserves of the extension are less rich than those of the square and the land is less accessible. The salmon fishery is the other potentially exploitable resource but also has its difficulties. Mining and logging activities as well as recent droughts have each had an impact on salmon habitat. Increased levels of harvesting are suspected of decreasing the reproductive potential of the fishery. From 1887 to 1933 a commercial salmon industry thrived at Requa but declining market prices and increasing regulation led to the closure of the on-shore industry in 1933. This industry was replaced by an increase in sport and off-shore commercial fishing. Over the past five decades, increased harvesting off-shore and by sportsmen has contributed to a marked decrease in the recorded harvest. From 1960 to 1980 estimates of salmon runs on the Klamath have gone from 160,000 to 30,000 fish. (Roberts et al. 1983) This downward trend was of such concern that the state put a moratorium on commercial fishing in 1978.

This moratorium has been controversial, as there is considerable question as to whether the state has the right to regulate fishing on an Indian reservation. A 1976 court decision (Arnett v. 5 Gill Nets) held that the state lacked jurisdiction to regulate Indian fishing on a reservation. The Yurok contend that the 1978 moratorium is not legal, that they have a reserved right to commercial fishing as their rights date back to aboriginal times and are protected by the government's trust responsibility. Conflicting viewpoints have led to considerable discord and even violence in the area. Currently, the Yurok are permitted only to fish for subsistence or ceremonial purposes and may not sell any of the fish that they catch. Many Yurok contend that a subsistence use of the resource means being able to sell the fish in order to support their families. A further difficulty in effectively managing the salmon resource is the lack of coordination between state and federal jurisdictions as well as contention as to which level has jurisdiction, civil and criminal, over the resources (a result of P.L. 280 — Appendix I).

Attention to forestry on the Klamath has increased steadily in recent decades. In 1963, Fred Chase was appointed to manage the Extension forests. In 1984, he was replaced by acting forester Archibald Wells, and then Jack Biodini, forester from 1985 to 1989. In 1989 the BIA established a forestry office at Klamath, with Gordon Karnes as the forester for the Yurok Reservation. Having a forester stationed at Klamath has increased the protection of allotments and tribal properties on the lower Klamath. Prior to the appointment of Karnes, the BIA appointed foresters to the Extension but they were

located in the Hoopa Valley. Unfortunately, the lack of roads on the reservation makes motor vehicle access to many allotments a day-long effort.

Figure 1-7. Acres remaining in trust (Klamath River Reservation and Connecting Strip), Yurok Reservation, 1893-1994.



Current Status

Nationwide, recognized tribes can and do assume any combination of self-determination mechanisms at a wide variety of levels and intensities — with the spectrum running from BIA-controlled management programs to compacting (IFMAT, 1993). In 1991 the National Indian Forest Resources Management Act (NIFRMA - P.L. 101-630), was passed by Congress. The resulting report indicated that Indian country has substantial forest resources and called for an integrated approach to forest management along the lines of the “ecosystem management” concept being promulgated by the Forest Service (IFMAT, 1993). Having gained recognition, the Yurok tribe can take advantage of recent legislation to increase its participation in forest management. The Indian Self-Determination and Education Assistance Act (P.L. 93-638) and subsequent amendments to the Act in 1988 (P.L. 100-472) give tribes the opportunity to take over management of their forest programs through a variety of mechanisms:

1. Tribes may contract for any or all of the federal programs pertaining to themselves and their associated budgets under P.L. 93-638.
2. Compacting, or the self-governance demonstration project, under P.L. 100-472

allows for a similar assumption of federal programs, plus discretionary power over how budgets are distributed among programs.

3. Cooperative agreements under P.L. 95-313, Cooperative Forestry Assistance Act of 1978, allow tribes to enter into service contracts with other governmental agencies.

The tribe is now working on its Economic Self-Sufficiency Plan as required by the Settlement Act. The natural resources the tribe potentially controls are different from those of their indigenous territory and have been seriously influenced by human activities over the last 100 years. Ownership on the reservation is varied and scattered. Ecological change initiated by fire suppression policies after the turn of the century has altered the forests and reduced meadow and gathering grounds. In 1993, the Klamath River Fall Chinook salmon were at an all time low. The tribal quota as determined by the California Department of Fish and Game was 4,100 fish, half of the harvest available (Yurok Tribe, 1993).

The 1970's saw a resurgence of interest in restoring and strengthening Indian culture among the tribes in the area. Dances have been held on Yurok and neighboring lands in recent years, and there is increasing interest in basketry and Yurok spirituality among tribal members. In the preamble of the draft constitution, the tribe lists continuation of its tribe, preservation of culture and religious beliefs, and protecting and enhancing the tribal fishery and other tribal resources among its major goals. It also states the goal to "reclaim the tribal land base within the Yurok Reservation and enlarge the Reservation boundaries to the maximum extent possible within the aboriginal territory of our tribe or within an equivalent compensatory distance" (Yurok Tribe, 1993).

In summary, the history of forest management at the Yurok Reservation is a troubled one. Managed secondarily to the Hoopa Reservation, unrepresented by a recognized tribal organization, and fragmented through the allotment process, the Yurok Tribe's forests received little attention other than from loggers and timber interests throughout most of this century. The high value redwood on Yurok lands created pressure to allow logging of allotted lands and sale of surplus lands early in the twentieth century. This, coupled with the economic difficulties of a tribe that has lost the fisheries and woodlands that provided their dietary staples (see Chapter 2), began the long decline of the Yurok Tribe's land base (Figure 1-7). Allotted forests are more difficult and expensive to manage (see Chapter 4), access to Yurok lands was and is still difficult, and the people of

Figures

Figure 1-1. *Yurok Indigenous Territory and Vegetation*

Figure 1-2. *Mining claims along the Klamath River 1908.*

Figure 1-3. *Fort Terwer, established in 1857*

Figure 1-4. *Fishing at the mouth of the Klamath, 1885*

Figure 1-5 *The town of Klamath before the flood of 1964*

Figure 1-6 *Results of the flood of 1964*

Figure 1-7. *Acres in trust, Yurok Reservation, 1893-1994*

Figure 2-1. *Crossing the Klamath in a redwood canoe near Waukell Flat*

Figure 2-2. *Sweathouse and cemetery on tribal lands*

Figure 2-3. *Requa Hill and an example of a relatively open, south facing slope on allotted lands up-river*

Figure 2-4. *The sites owned or claimed for use by one family in the town of Courtep*

Figure 3-1. *Yurok Reservation*

Figure 3-2. *Two parcels in tribal reserve: ceremonial structures and river bar*

Figure 3-3. *Allotted acres remaining in trust, Yurok Reservation, original Klamath Reservation and connecting strip, 1893-1994.*

Figure 3-4. *Map of area around Courtep, 1922.*

Figure 3-5. *Map of Klamath mouth, 1936.*

Maps 3A-3B-3C. *1994 status of lands within the reservation and acreage tables .*

Figure 3-6. *Allotment acres removed from trust each year, Yurok Reservation, 1900 to 1994*

Figure 4-1. *Map of a 1958-9 Trespass Area*

Figure 4-2. *Klamath Glen and Martin's Ferry*

Figure 4-3. *Captain Spott of Requa*

Figure 4-4. *Paired photos of Requa*

Maps 4A-4B-4C. *Harvest history as of 1994.*

the Yurok tribe have been scattered as a result of flood, loss of natural food resources, federal Indian policy, and economic conditions. The dramatically improved market conditions for timber that followed WWII, together with the federal emphasis on tribal “termination and relocation,” resulted in the alienation of still more tribal allotments (see Chapter 3). The Yurok tribe faces the challenge of self-determination with a land and resource base that has been reduced and altered. To support them in this endeavour they have a living culture, a land base within their original territory, and funding from the trust fund established as a result of the Jessie Short case.

Chapter 2: Culture and Landscape

The cultural framework of Yurok life is deeply intertwined with sustainable management of the environment. Before European contact the Yurok forest was managed to meet spiritual as well as material needs. The relationship was a dynamic one: the Yurok used various tools to maintain and develop their forest, and at the same time they let the environment guide them in determining where to live and in other aspects of life. Much of this information is embodied in Yurok spiritual tradition. Although they have lost control over much of the management and use of their indigenous territory, Yurok culture and lifeways remain connected to the forest.

Waterman's *Yurok Geography* (1920) extensively documents the spiritual and economic meaning of many sites and landscapes along the river.⁷ A variety of reports to the Forest Service have documented aspects of Yurok ethnography and resource use. This chapter draws on these reports, published accounts, and interviews to highlight aspects of the relationship between the forest and the tribe.

Early Forest-Tribe Relationships

Although there are some Yurok coastal towns, the center of Yurok life is the Klamath River. Fifty to sixty small villages were once scattered along the river, the largest of which was Requa at the mouth, with 25 houses (Waterman, 1920). The Klamath is the major means of transportation and the geographical and spiritual reference point of Yurok life. Locations are commonly defined as either "up-river" or "down-river," and "down near the water" or "up from the river bank." Waterman commented in 1909 that many boulders in the river were known by their proper name to every Yurok, and sites were often named with names meaning "downstream-from-a-particular-rock" or "upstream-from-a-particular rock." The names of places in the territory, such as villages, are often the same as those of the nearest tributary into the Klamath, such as "Cappell Creek" and the village of Cappell, or "Pecwan Creek" and the village of Pecwan. Waterman believed that the creeks were named after the villages. Because personal names often included

⁷The veracity of Waterman's and Kroeber's work was sometimes questioned by interviewees, who indicated that the locals would either not really tell them the truth or make up things to earn the money that Kroeber paid for relating myths. In the introduction to *Yurok Myths* Kroeber acknowledges that his most reliable information comes from people that he knew well.

place names, a creek, a village, and local residents might all share elements of the same name.

Waterman's descriptions illustrate that a journey on the river is a spiritual as well as a practical endeavor (1920). Certain sites and even rock formations have spiritual significance. Prescribed practices or behaviors are required at several places when passing through. The major dances, including the White Deerskin Dance, took place in specific places along the river and its tributaries. Thompson (1991) maps the several sites used in the White Deerskin Dance near Cappell. Use of these geographically specific places is a part of tribal responsibilities to "renew the world" through annual dance-ceremonies. Heffner (1986) found that the White Deerskin and Jump Dances held near Requa required gathering of redwood timber and other materials from particular sites in the watershed.

Of special relevance to forest management is the use of trails. Waterman states:

Trails are "like people," that is, they are sentient, and must be treated with urbanity. If you step out of a trail and in again, and fail to preserve decorum, the trail becomes resentful. Along each important trail there are "resting-places." Few of these show on my maps, because I did not travel the trails myself, but hundreds of such places are to be found. People when traveling kept on in a business-like way until they came to these resting places. There they took off their packs and had a good breathing spell. If they did differently they were likely to have bad luck....Here and there in the Yurok country are large trees into which parties of travelers shot arrows, as an offering for good luck on the trail (1920).

Some of the major trails are indicated on Waterman's maps (1920).

The Klamath is also the provider of one of the main staples of the Yurok traditional diet: salmon. In pre-contact times salmon were harvested with fish dams — weirs of logs, poles and brush across the river — or were speared or netted (Heffner, 1986). The harvest and distribution of salmon was carefully managed through spiritual tradition. For example, Yurok beliefs prescribed when the fishing of a run could begin, marking it with a "first salmon" ceremony presided over by the village's spiritual leader (Waterman, 1920). A complex series of ceremonies and dances focused on the harvest and distribution of salmon, including a massive ceremony lasting several days as part of the Fall fish dam construction at Cappell Creek. Steelhead trout and eel were also commonly fished from the river. Fish migration times were so distributed that a catch of fresh fish was possible at any season of the year, but the Fall Chinook run was most important

because low river flows and the large numbers of fish provided optimum fishing conditions (Heffner, 1986). The salmon could then be smoke-cured and stored for winter use.⁸

Another major pre-contact Yurok diet staple was the acorn. Acorns are a food rich in starch, a good compliment to the high protein content of salmon. The acorn-producing oaks best grow outside of dense fir or redwood stands. Oak woodlands are also the region's richest wildlife habitat, largely because the understory is often a rich complex of grasses and shrubs, and acorns are a food valued by many species. The Yurok valued the hunting in areas with oak stands.

In contrast, the redwood forest is relatively poor in game and has few acorn grounds. Waterman's geography makes it clear that the redwood forests of the lower Klamath were sparsely inhabited compared to the more open parts of the watershed. But redwoods have an important place in the spiritual lore of the tribe, often referred to by current residents and in the anthropological literature as spiritual guardians or warriors. Waterman refers to a redwood tree near Cappell Creek (now logged) that the Yurok believe "held up the world" (1920). Houses and sweathouses were built of redwood planks, as were the canoes that were a centerpiece of pre-contact Yurok life (Figures 2-1 and 2-2).

Lucy Thompson, a Yurok who published the story of her life in 1916, describes the construction of a canoe as follows (1991):

In making a canoe they took a redwood log in length and size to suit the canoe they wanted to make, and split the log in half, shaping the bottom half of the canoe first, then turning it over and chipping off the top until they get it down to the right place, when they would start shaping the guards; after this they dug out the inside, leaving it a certain thickness, and this they gauged by placing one hand outside and the other inside, moving both hands slowly along--and it is surprising how even the thickness is in all parts. They cut out the seat in the stern, with a place to put each foot on the side in front of the seat so one can brace himself while paddling it with a long and narrow paddle (pointed at the end so

⁸The history of the fishery and of Indian relations with the California Department of Fish and Game is worthy of some attention but outside the scope of this forest history. Waterman does mention meeting an Indian man in 1909 who had been jailed for gill net fishing in the "aboriginal fashion."

they can paddle or push the canoe with it). They are certainly expert in the Klamath River with a canoe, either the men or the women.

They have no keel on their canoes, just a round smooth bottom, with a rounded bow and stern. A large hazel withe is put through holes in the corners of the bow and drawn very tight across it so as to keep the canoe from splitting in case it strikes the rocks very hard, which often happens, as they [the canoes] grind upon the rocks in the rough places in the river. These canoes will carry heavy loads, much larger than they would seem to carry, sometimes from forty to one hundred and fifty sacks of flour at a load. In making a canoe, the Indians always leave in the bottom and some two feet back from the front or bow a knob some three inches across and about two inches high, with a hole about one-inch deep dug into it; and this they call the heart of the canoe, and without this the canoe would be dead. When I was a young woman no Indian would use a canoe unless it had the heart left in it

The redwood canoes are being used for a distance of one hundred miles up the Klamath River, but the redwood is used only for a distance of about thirty miles up the river for houses; after this distance they use red fir for houses.

In *Yurok Myths* (1976), Captain Spott, the first lower Klamath allottee, tells the story of the origin of redwood canoes:

Sky-Owner, Pulekukwerek, and Wohpekumeu did not know how the river would be crossed. Pulekukwerek said, "What shall we do that persons may cross? How will they live? I do not know." Wohpekumeu did not know. They had no wood. Then suddenly someone grew up quickly there. He said, "That is what I came for. I can be used for boats. They will make boats of me and cross the river." Pulekukwerek said, "What is your name?" He said, "Do you not know my name?" Pulekukwerek said, "No but I would like to know." He said, "I am called Redwood." Pulekukwerek said, "It is good that you grew so quickly. Now persons will live properly." Redwood said, "I want them to put pitch on my head. I want them also to put pitch on my stern, and I want a withe around my neck. That is the way I like it. Then Pulekukwerek told him, "Yes, that is good. That is how they will use you."



Figure 2-1. Redwood canoe crossing the Klamath near Waukell Flat.

As to where houses are located, the pre-contact Yurok preferred sunnier locations (Figure 2-3). Waterman (1920) noted in 1909 that:

... where the river runs approximately east and west the towns lie on the north bank, in the proportion of three or four to one...The south slopes [on the north bank] are timbered with oaks and varied timber, interspersed with fine grass fields. The northern slope of the hills, which would form the south bank of the river, is, on the contrary, almost uniformly covered with pines and other conifers, and the places which might otherwise be village sites are in the shadow of these somber forests. Beginning some miles above the mouth of Blue Creek, the river flows through a belt of redwood timber extending almost to the coast. The larger villages are very clearly grouped outside of this redwood belt. There were towns within it, but they were of small size, and where the redwoods were thickest there were no settlements at all.⁹

⁹Note that in Figure 1-1 the major villages are located near the coast or inland of the redwood belt.



Figure 2-2. Sweathouse and cemetery on tribal lands.



Figure 2-3. Requa Hill and an example of a relatively open, south-facing slope on allotted lands up-river.

Food Resources

The Yurok make use of a wide variety of plant and animal species for food. Waterman describes some of the food gathered by the Yurok: edible bulbs, grass seed, wild sunflower, clover, hazel nuts, and other plants. Rights to many productive areas were held by individuals, villages, or families (Figure 2-4). Waterman states that such places can be classified roughly in order of importance as places for fishing, gathering acorns, and snaring game (1920). Fishing places were most likely places for setting up dip-nets. Rights to use them could be sold or inherited and were often held in common by as many as ten individuals. Sometimes right of access was divided temporally or by the height of the river, or even by whether it was to be used for eels or salmon. Protecting these rights or acquiring them is probably the reason that some reservation allotments were chosen near or straddling the river (Chapter 3).

Acorn gathering grounds were often of several acres. Usually a number of gathering places occurred close together on a hillside where there was a heavy growth of oak (Waterman, 1920):

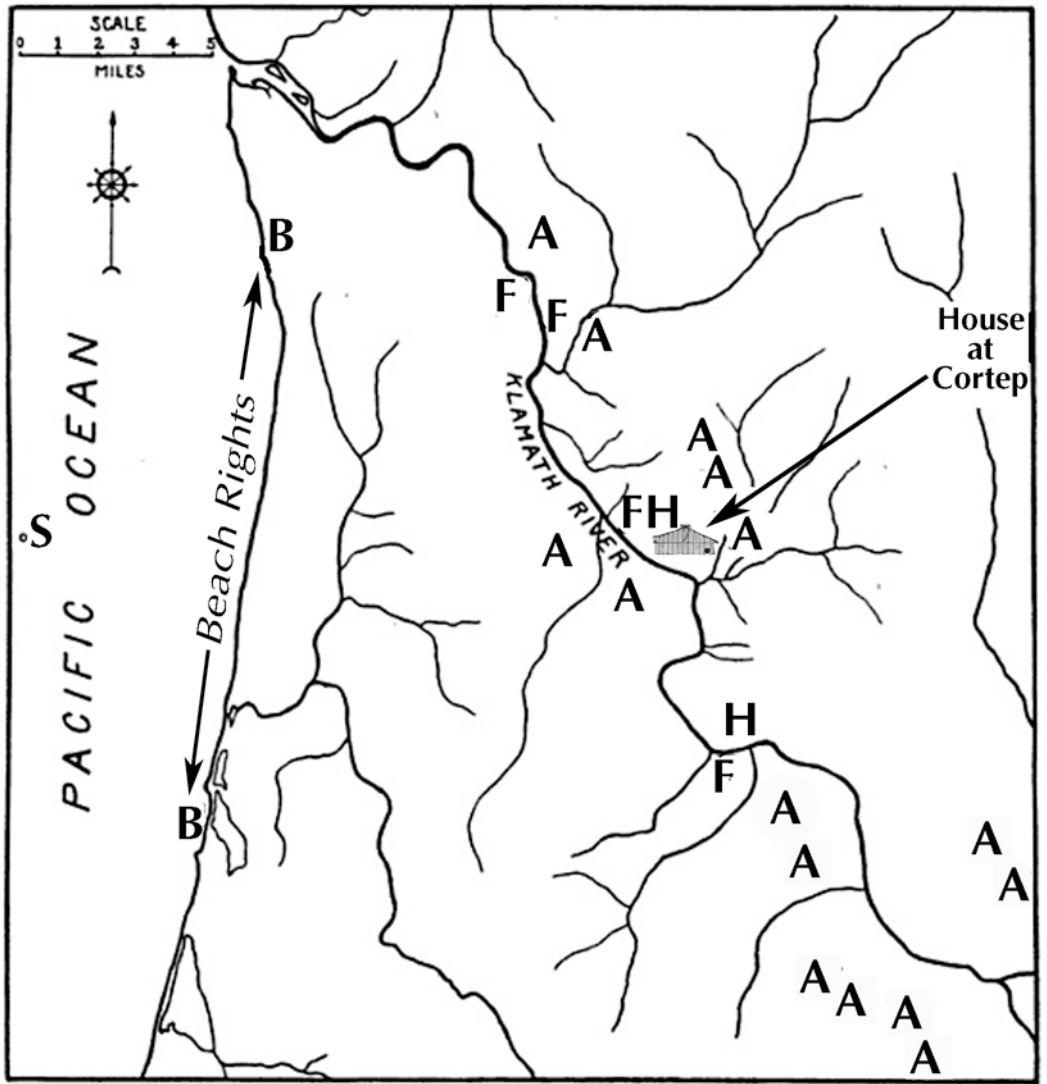
When acorns were plentiful no one worried much about his “rights,” or “other people’s rights,” for that matter. In seasons of scarcity, when the acorn crop fell short (which often happened), or when it failed in certain sections, ownership of places became a very important matter. Permission to pick up acorns in a given spot might in that case be bartered for Indian money. Sometimes several different groups or “houses” are spoken of as owning some acorn place in common. I get the impression very clearly that acorn-grounds were owned, if not by individuals, at least by families. I find very few definite references to sale or exchange, however.

Rights to certain snaring places were also held by individuals or groups, as bow hunting, though unrestricted, was not as rewarding. Sometimes dogs were used to run deer and elk into snares. Since large game tend to follow certain trails or topography, good places to set snares were valuable.

This control of rights to certain places is often confused in the literature with property ownership, or private property in the Lockean sense. But it is obvious that the concept of “ownership” among the Yurok was more related to rights of use than any concept of simple landownership. As with the fishing places, rights of access to one spot might be held by different people or groups at different times and for different purposes. Others

were not excluded from “owned” gathering places, they were just not permitted to gather specified items there. As Waterman also states, even these rights to exclude others might have been waived in times of plenty (1920).

Figure 2-4. The sites used by one household in the village of Courtep (Cortep), (Waterman, 1920).



- | | | |
|------------------------------|-------------------|----------------------|
| A – Acorn grounds | F – Fishing place | S – Sea lion hunting |
| B – Boundary of beach rights | H – Snaring place | |

Thompson (1991) also describes the “ownership” of food gathering areas. Her use of the term ownership is no doubt influenced by her life in white society and her desire to reach a white audience, as well as difficulties in translating Yurok concepts into English (Lang, 1991):

The Klamath Indians were, at the coming of the white man, a very large tribe, there being several thousand of them. It taxed every resource of the country in which they lived for all of them to obtain a subsistence; therefore everything was owned in the same way that it is now owned by the white man. The land was divided up by the boundaries of the creeks, ridges, and the river. All open prairies for gathering grass seeds, such as Indian wheat, which looks similar to rye, besides other kinds of seed; the oak timber for gathering acorns, the sugarpine for gathering pine nuts, the hazel flats for gathering hazelnuts and the fishing places for catching salmon —

All the oak timber was owned by the well-to-do families and was divided off by lines and boundaries —

Thompson describes the use of a wide variety of plants for medicinal and spiritual purposes. Another important Yurok use of plants is in basketry. Thompson mentions hazel wands, and a “course grass, a sort of saw-grass, that grows on the ridges and under the tanoaks and fir timber which they use in nearly all of their baskets,” which is most likely bear grass (*Xerophyllum tenax*). Maidenhair fern (*Adiantum pedatum*) and willow root are also common basketry materials.

To support themselves through the year, a Yurok family or village made use of a number of sometimes widely dispersed sites. Waterman (1920) documents one family’s use of sites scattered along twelve miles of the river (Figure 2-4). Morris (1992) argues that one Yurok family, faced with having to select allotments in the 1890’s under the Dawes Act, selected sites for each family member strategically in order to protect gathering and fishing sites, as well as sites important to the Yurok for spiritual reasons. He states that of the thirteen sites selected, at least four were sacred places, three were acorn grounds, and two were places for gathering grass seed. One additional site was a stand of Yew (*Taxus*), used for making bows, and another a stand of Port Orford cedar. Still others were traditional fishing places.

Early Yurok Forest Management

The Yurok were active forest managers. Several selections from Thompson's book illustrate the scope and nature of this management:

The Indians were preservers of the sugarpine timber which grew on the high ranges of mountains on the north side of the river, and there was a very heavy fine and also death to the Indian that willfully destroyed any of this timber. The sugar from these trees was also used by them as a medicine in different cases of sickness....

The Indians also took the greatest of care of the hazelnut flats, as the nuts are used in many ways. The nuts were gathered and stored away, as they could be kept for a long time and could be pounded into flour, put into warm water, and made a good substitute for milk which could be used for weak, sickly children, also in some cases for sick persons that needed nourishment and had weak stomachs. The hazel is used in all of their basket making, as the frames of all the baskets are made of the hazel sticks. In taking care of the hazel flats, they go out in the dry summer or early in the fall months and burn the hazel brush; then the next spring the young shoots start up from the old roots.

On the following spring in the month of May, when the sap rises and the shoots start to grow, the women go forth and gather these young shoots, which are from one to two feet in length...

The oak timber they were very careful to preserve, as they gathered acorns from it late in the fall, October and November. The oak tree furnished the staff of life —

Oak Management

Mature oaks can withstand the kind of low intensity fire that results when woodlands are burned regularly and carefully, and many oak species will resprout after a high intensity burn. Tanoak (*Lithocarpus densiflorus*), a major acorn provider in the Yurok forest, has relatively fire-sensitive bark, indicating that the Yurok must have been extremely knowledgeable about fire management because they used fire regularly to manage the stands. Woodlands were usually burned in the fall (Lewis, 1993). Burning kept out invading conifers, cleared the ground to facilitate acorn gathering, and inhibited disease and pests (Lewis, 1993). Deer use the acorns, understory grasses, and mosses that are plentiful in the open woodlands (Keter, 1993) (Table 2-1), so in protecting these woodlands the Yurok enhanced the production of both game and acorns.

Table 2-1. Deer use of habitats¹⁰

Habitat types in Mendocino County	Mean deer per sq. mile
Grassland	20
Minor conifer (<i>no Douglas-fir forest estimates were made, but they would be as low or lower than this category</i>)	20
Woodland/Chaparral (<i>open mix of woodlands species, including oak, and chaparral</i>)	45
Pine/Fir/Chaparral (<i>open mix of conifer and shrubs</i>)	45
Oak woodland or forest	80
Oak woodland/grassland	80

Yurok people state that fire was used by the tribe frequently to manage vegetation for a variety of purposes besides enhancement of oak stands. Some Yurok report that after hunting in the fall, it was common to set fire to the woods to clear the underbrush. Protecting villages and houses from large forest fires by clearing the nearby area was another reason for frequent low intensity fire. Burning in the redwood forest was regular and widespread, intended primarily to enhance the growth of low forest floor vegetation for basketry materials. Burning also made travel in the forest easier (Gould, cited in Blackburn and Anderson, 1993). After setting fires in the hills in late summer, fleeing deer could be taken in snares or killed with weapons (Goddard, 1903). Traveling the Klamath reservation in 1912, a forest surveyor commented that the “entire reservation was over-run by fire” (Roberts et al. 1982).

Warburton and Endert (1966) write:

...at the concentration of the berry harvest, the berry and hazelnut brush was frequently burned for the [Yurok] Indians had learned that fire destroyed detrimental fungus and pests, and encouraged a more luxurious growth in the following year and a better source of basket materials as well. In the fall of the year it was the duty of certain men to burn patches of oak, hazel, and huckleberry brush to eliminate fungus and insect damage and improve the crop in the next year. In the second year after burning there was usually a heavy increase in hazel nuts, acorns, and berries. In 1885-95, it was not unusual to see them bring in loads.

¹⁰Adapted from Keter, 1993, as adapted from other publications.

The importance of grass seed as a component of the Yurok diet is often overlooked. Grass seed was gathered from open meadows or prairies, and fire was used to maintain these prairies:

The Douglas fir timber they say has always encroached on the open prairies and crowded out the other timber; therefore they have continuously burned it and have done all they could to keep it from covering all the open lands. Our legends tell when they arrived in the Klamath River country that there were thousands of acres of prairie lands, and with all the burning that they could do the country has been growing up to timber more and more....Many of the prairies were set on fire and burnt off every year during the dry seasons, which kept the timber from growing up very fast (Thompson, 1991).

Cultivation

Cultivation of tobacco is described by Thompson and other turn of the century observers:

The Klamath people have the same kind of tobacco that grows over a large part of the United States, which, when it grows up, has small leaves. They prepare the ground and plant the seed, but will not use any they find growing out of cultivation (Thompson, 1991).

The Indians would select a flat place — a bench on the hillside, where there was fairly good soil, clear it, and in the spring of the year cover this plot of ground to a depth of about one foot with spruce, fir, and hemlock boughs. In the fall, before the rains came, the area was burned, leaving a heavy ash covering. Tobacco seed was then broadcast, thinned in Spring, and harvested in Fall and cured (Warburton and Endert, 1966).

In 1775, Spanish explorer Don Juan Francisco de la Bodega y Quadra wrote that the Yurok at Trinidad valued tobacco, as they “cultivate it in small plots near their houses and smoke it in tubes similar to the mouthpiece of a trumpet” (Heizer and Mills, 1991).

As in all aspects of Yurok life, spirituality and tradition played an important part in caring for the forest and the river. Thompson (1991) describes in great detail the spiritual nature of the fish dam harvest, and the use of dance sites along the river and some of the creeks as part of a ceremony involving the entire Yurok people. She and Waterman both map these sites. Some of the tribal reserve lands in the Yurok reservation appear to include these dance sites. In addition, a wide variety of plants are used for healing and other forms of spiritual practice. Throughout Yurok territory are sites important for spiritual

activities and training, but the knowledge of these plants and sites appropriately remains with tribal elders and spiritual leaders.

The Yurok forest, then, was actively managed to provide food, wood, and a variety of forest products. Fire was an important tool used to maintain the balance of vegetation types so that the Yurok had wood, acorns, game, grass seed, spiritually important plants, and basketry materials when they needed them. In particular, fire was used to manage brush and maintain openings in the dense forest.

Post-contact vegetation management issues

Lucy Thompson (1991) tells a story which might serve as an allegory for the changes that have occurred in the Yurok forest over the last century:

In the early days when a white man arrived among the Indians, he took an Indian woman, and in the fall of the year she would want to gather some pine nuts. The white man would go with her, taking his ax, and cut down the tree, as he could not climb it; and told the woman there they are, what are you going to do about it? At first the women complained, and finally said that the white man would spoil everything. Then the Indians began to cut the trees. In the last few years these trees have become very valuable in the eyes of the white man, and it has become the complaint of the white man that the Indians ought to be arrested and punished. Some of them have gone so far as to say that the Indians ought to be shot for cutting down this fine timber for the nuts. I leave the reader to decide which one ought to be punished....

Yurok territory has gone through cultural and economic changes that have affected the landscape. In early times the Yurok themselves seem to have been a people interested in maintaining an open landscape when possible, through the use of fire in particular. The legend related earlier by Thompson about keeping out the Douglas fir suggests that they would have preferred an even more open landscape than the one they had, as it highlights the increasing encroachment of the forest as a problem for the tribe. When the reservation was allotted in the 1890's (see Chapter 3), Yurok people were encouraged to become subsistence farmers. Again, control of the forest was required, and interviewees mention having to go out and clear redwood seedlings from the fields. Federal policy encouraged the clearing of land for livestock grazing and farming. Along the Klamath, however, areas flat enough for cultivation are not common, and are mainly on alluvial soils at the mouths of tributaries.

The federal government began being concerned about “incendarism” as a management practice around the turn of the century, and interest in total fire suppression on wildlands escalated through the second world war (Pyne, 1982). The BIA and Forest Service unquestioningly emphasized fire prevention and suppression up until about two decades ago, when the work of Harold Biswell and others brought attention to its “natural” role in ecosystems. It is only recently that the role of indigenous peoples in the creation of the original American landscape has begun to be recognized.

On the Yurok reservation, fire suppression meant that without cultivation, flooding, wildfire, or severe soil limitations, the land was reclaimed by trees. Photos of the area from around the turn of the century contrast sharply with the tree-covered landscape of today. It is apparent that the Yurok tribe in early times did not manage for a heavily forested landscape.

Long term vegetation change studies along the North Coast have shown an increase in Douglas fir cover over the last century that can most likely be attributed to changes in fire frequency (Keter, 1993). On land surveyed in the North Fork of the Eel River, there has been a well-documented seven-fold increase in the acres of Douglas Fir forest in the last 120 years, with a corresponding reduction in oak woodlands (Keter, 1993). While grassland acres remained relatively stable, in many cases they underwent almost a complete floristic change due to the introduction by settlers of aggressive annual grasses from the Mediterranean regions (Keter, 1993). These grasses began taking hold in California in the early nineteenth century, and may have had a significant impact on seed resources in some areas. In the North Fork area, a Wailaki individual stated that a combination of livestock grazing and the replacement of native grasses by “less nutritive” annuals was one of the reasons for widespread starvation among the Indians of the region during the mid-nineteenth century (Keter, 1993). It is possible that this might also have had some effect on the Yurok, although no sources have directly discussed it. Invasion of alien annual grasses is also generally least successful in coastal areas, so a large portion of the Yurok territory may not have experienced this shift to its fullest extent. Competition with livestock grazing, however, may still have been a problem.

Landscape level changes in vegetation have most likely had a significant effect on many wildlife populations. In the Eel River study, Keter (1993) suggests that the deer herd has undergone a significant decline as a result of forest management practices that have reduced oak woodland acreage. It is not unlikely that a variety of wildlife species

associated with the woodlands and low to mid-successional forest stages with a substantial shrub component have declined in some areas.

Mining, logging, commercial fishing, and other land use factors appear to have taken their toll on salmon runs as well. Despite closure to commercial fishing in 1933, and the construction of a hatchery at Hupa, the 1993 salmon run was the lowest ever.

Contemporary management and gathering

The Yurok hunt game, fish, and gather plants for food, as well as for basketweaving and wood carving, and for medicinal, spiritual, and ceremonial uses. One casualty of the landscape change brought about by fire suppression policy and aggressive timber management has been a loss of plant and wildlife resources. The tribe managed for a more open landscape, but the predominant resource management objectives of commercial, BIA, and Forest Service foresters for the last several decades has been encouraging tree growth. Aggressive forest management means speeding the regrowth of timber on cleared sites through a variety of methods, including re-planting of tree seedlings, burning, weeding, and the use of herbicides. Of all these practices, only burning is considered favorably by gatherers. Even then, contemporary burning practices are seldom if ever done to the prescription preferred for gathering, but only to enhance regrowth or establishment of conifers.

Controversy also has arisen over the exploitation of gathering sites by people without proper training or knowledge and respect for tribal practices. Publication of site specific information is not considered wise and not done here. Although it is one use among many, a more in-depth examination of basketweaving can illustrate how forest management practices and cultural values are interconnected, and highlight some current forest management issues.

Basketweaving: an expression of the forest-tribe relationship

The baskets woven in California are among the finest in the world. Many species used in basketweaving, such as hazel, willow, and maidenhair fern, tend to grow best outside of a closed conifer canopy. Often basketweaving species are best sought in a “mid-successional” forest — one that has been burned, cut, or flooded within the last 10-20 years. In addition, basketweavers are quite selective about their materials. Some of the

plants they use only grow to the right specifications after burning, and bear grass in particular requires an understory burn. Recent ethnographic surveys found that many Yurok people are still involved in making baskets, and that almost all who are make baskets for sale (Heffner, 1984).

Observations made during a basketweaver's campout in 1993 indicate how important forest management practices are to the craft. The basketweavers were predominantly women, often with children and sometimes husbands or other male relatives in tow, and they were from the Yurok, Karuk, and Hupa tribes. They were camped near a creek for a week to share knowledge and enjoy working together. Heffner's ethnographic surveys (1984) indicate that historically most basketweavers have been women and this remains the case today. Some men now make baskets, and, as at this campout, help gather.

Making baskets requires sophisticated ecological knowledge of the forest and of plants. Basketweavers know exactly where to find the materials they need, and certain individuals have rights to certain gathering spots. In addition to knowing where to gather the plants, the weaver has to know what time of year is appropriate for gathering. A weaver may visit a site repeatedly until she finds that the material is ready for harvesting. The basketweavers at this gathering were using hazel, willow root, bear grass, and maidenhair fern (Table 2-2). Only certain parts of the plant in particular stages of growth were used.

At this gathering the participants went to a teacher's spot and gathered materials under her watchful eye. Some basketmakers interviewed in a 1984 study believed that uncontrolled gathering might have an effect on plants, since more people than ever have begun gathering (Heffner, 1984). Concerns expressed include the observation that while basketmakers were delighted to see young people taking an interest in basketry, "some people do not understand the proper way to gather and do not respect the plant life." Present day gathering in Yurok territory is managed by the traditional Yurok way of allocating rights of use, and the lack of a cohesive framework for the teaching and enforcement of these rules can be a problem. As a result some teachers are reluctant to teach those who live outside of the Yurok or local tribal culture. Non-Indian participation at this gathering was permitted only during one day and night and included Forest Service personnel from the Six Rivers National Forest interested in learning about basketry and developing burning techniques.

Certain species require deliberate management action to make the best basketweaving material. Lucy Thompson (1991) describes how hazel should be managed with prescribed burning. The burning has to be quite precise, and take place at the correct time of year and at the proper intensity. This gathering took place on Forest Service land and visited a site that the Forest Service had burned in an attempt to create the right conditions for bear grass production. The consensus was that the burn was not quite right, either in timing or intensity. The grass could be harvested, but it was not of the right length and texture for the best basketry. Many basketmakers follow the Forest Service's fall slash burning program, which they call "following the smoke," gathering materials from these sites in spring and summer (Heffner, 1984). Wildfire areas can be rich gathering grounds for years, particularly if not aggressively regenerated and shrubs are not suppressed. The Six Rivers National Forest, in particular, has made tremendous progress working with basketweavers to learn how to manage areas for gathering.

Basketry offers the Yurok a way to earn income, but perhaps more important, to learn about and value their culture and their land. At this gathering, weaving and being close to the forest was a common bond. Historically, basketmakers learned their craft by watching their mothers, grandmothers, or other family members (O'Neale, 1932). A large portion today still learn from family members but a substantial number learn by taking basketry classes (Theodoratus 1979). Heffner found that skilled basketmakers also enroll in these classes purely for the social atmosphere that exists in them (1984). Unfortunately, the Yurok have lost control of most of their gathering grounds.

The California Indian Basketweavers Association's Newsletter #4, dated January 1993, contains the following selections from letters written to the Newsletter by basketweavers:

Being from southern California, we have the same problems as you do up here in northern California. I've been stopped twice, once by the sheriff, and once by Fish and Game, while I was gathering. And I've had problems with herbicides also. And for me to hear that there was an association forming up here was something that I thought was a miracle....And when we are making our baskets we're involved, we're looking down and we're getting that wonderful feeling that we get while we're doing it.

We are going to have to stand up and be counted as basket makers against bigger organizations, governmental organizations —

Basketweavers are concerned about the various agencies that have jurisdiction over their gathering grounds and problematic forest management practices — particularly the use of herbicides:

In a prime picking area they've gone in with their poisons. I think about what I've got inside of me now, from picking where I've picked, not knowing for sure if it's that place or not. It's a bit scary, and I can't stop it. Not any single person here can do anything about it. But maybe we, as a group working together, can do something to make the changes that individuals can't make.

One of the purposes of the Basketweavers Association is to “increase Native American access to traditional cultural resources on public and tribal lands and traditional gathering sites, and to encourage the reintroduction of such resources and designation of gathering areas on such lands.”

Vegetation change, herbicide use, and gathering restrictions are problems for contemporary basketweavers. Hazel sticks and bear grass have been identified by basketmakers as difficult to get in both quality and quantity. Basketweavers at the gathering also commented on a lack of porcupines for porcupine quills. They wished to use the quills in weaving and decorative items. Porcupine has historically been controlled by forest managers because of damage to trees. The basketweavers were concerned about the impacts of the frenzied mushroom gathering that is taking place in the Northwest in response to a booming market for wild mushrooms. They believed that mushroom gatherers were damaging the soil and plants, particularly by “raking out” under shrubs, and depleting the resource by over-harvest. Of course the mushroom gatherers are also completely oblivious to tribally-acknowledged rights to gather in certain spots.

Other Gathering

Wood is gathered for wood carving, including making canoes and ceremonial structures, and a variety of arts and crafts (Heffner, 1983). Yew, redwood, cedar, manzanita, and mock orange are among the wood types used. Some types require straight lengths of wood or unusually large pieces, and wood carvers are highly selective about the materials they use (Heffner, 1984). Like baskets, carved wood items are produced for local use and for sale.

Plant materials are also gathered for ceremonial and medicinal purposes. The doctors of the Yurok are of two types: healing doctors who work only with physical ailments and spiritual doctors who work with both physical and spiritual healing (Heffner, 1983). Plants play an important part in both. Plants also play a major role in the public religious ceremonies of the White Deerskin, Jump, and Brush Dances (Kroeber and Gifford, 1949). Gathering is a spiritual process, and demands extensive training and proper behavior. Gathering areas for these purposes also are controlled by a system of rights of use. Most Yurok do not know the specifics of this kind of gathering — doctors are bound to the traditional secrecy of their profession. Plant medicinal properties, formulas, processing, and procurement methods are only passed on to apprentices and other doctors (Heffner, 1984). One interviewee in a Six Rivers National Forest study commented: “You know, it is with the dances and the doctors knowing the plants and taking care of our sacred places that our people will have power and they will survive”(Heffner, 1984).

Growing Concerns

Herbicide use is of particular concern to all gatherers and hunters. The use of herbicides is often blamed for serious illness among reservation inhabitants, loss of plant species, and declines in fish and wildlife populations. These impacts directly damage the cultural life of the tribe. For example, the consumption of deer liver is a spiritually significant act, but today Yurok people fear that the liver is likely to be poisoned by toxic chemicals used in forest management on the surrounding forest and no longer eat it. Forest Service interviewees expressed concern about contamination and depletion of crops, contamination of wildlife, and water quality (Sundberg and Drake, 1980). Basket materials are placed in the mouth during preparation and weaving. If nothing else, posting of places where herbicides are used is needed.

Attempts to control or reduce tanoak trees, whether through harvest, weeding, or spraying, are not appreciated by the Yurok. Some individuals interviewed by the Forest Service expressed concern about forest and soil damage from clearcutting and other logging practices (Sundberg and Drake 1980). Many feel that important trails are poorly maintained or lost and need more attention. Invasion by non-Indian gatherers for commercial, recreational, or spiritual purposes is perceived as an increasing problem.

A critical underlying problem, of course, is the loss of tribal control of Yurok indigenous territory (Chapter 3). Tribal people do not have access to or any control of most of the traditionally important sites for spiritual activities, hunting, fishing, and gathering. The erosion of the land base has made it difficult if not impossible to engage in many culturally important activities.

In sum, the Yurok tribe originally placed high value on oak woodland and prairies, and these were the areas of most intense Yurok settlement and food gathering. Burning was a part of tribal management of the landscape. Yurok burning was more frequent and spottier than would be expected under a “natural” fire regime, and maintained a rich mix of vegetation types in the watershed (Lewis, 1993). In the twentieth century, the high value vegetation for the dominant society became forest, and as a result of fire suppression, and harvest and regeneration practices, the overall landscape of the watershed has changed. The fisheries, wildlife, and gathering grounds used by the Yurok have all been altered. Future forest management must consider the type of landscape and the mosaic of vegetation types and harvest practices that will best meet the needs of the tribe, be it for cash income, basketry materials, wildlife habitat, fisheries, recreation, spiritual values, or some combination of uses and values. Unfortunately, most of the Yurok tribe’s traditional gathering and hunting territory is no longer under their jurisdiction. Mechanisms to influence management of these lands need to be explored — progress has already been made working with the Forest Service. As so much of the important information is appropriately not in the public domain, participatory management that includes tribal members knowledgeable about the spectrum of Yurok use and management of the forest is essential.

Chapter 3: The Virtual Reservation

On the map, the boundaries of what is now the Yurok Reservation encompass some 56,000 acres, all the land within one mile of the Klamath river from the northern edge of the Hoopa Valley Reservation to the Pacific (Figure 3-1). Despite appearances, the majority of this land is now privately held in non-Indian ownership. All told, less than 5,000¹¹ acres of reservation land remain in trust status, either as tribal trust, village reserve, or trust allotments (Maps 3A, 3B, 3C). The trust land is in small parcels scattered throughout the watershed. The private land on the reservation is owned by individuals and timber companies. The consequences of this ownership fragmentation are far-reaching for management of Yurok natural resources. This chapter is an analysis of how this pattern of ownership fragmentation on the Yurok Forest came about, and of the influence of this fragmentation on forest management.

At the close of the nineteenth century, with Indian wars largely a thing of the past, it was generally believed in Washington and throughout the United States that Indian culture and lifeways were fated to give way to modern progress (Schimmel, 1991). The author of a history of Del Norte County published in 1882 comments:

The Indians, like the redwoods, are doomed to fall before civilization.
(Elliot, 1960 [1882]).

At the same time, the prevailing attitude towards land tenure, institutionalized in our constitution's notion of private property rights, was that land rightfully belonged to those individuals who could make productive use of it. Individual ownership of land, in fact, was considered a crucial underpinning of capitalism. Laws like the Homestead Act of 1862 reflected this Lockean ideal. The original Act allowed settlers to claim 160 acres of public domain land after demonstrating ability to farm it. Along the same lines, the common public attitude was that to allow land to go unused was anti-progressive.

¹¹Calculation of acreages on the Yurok reservation is confused by inaccurate land surveys and conflicting records. All the acreages presented in this document can be considered approximate.

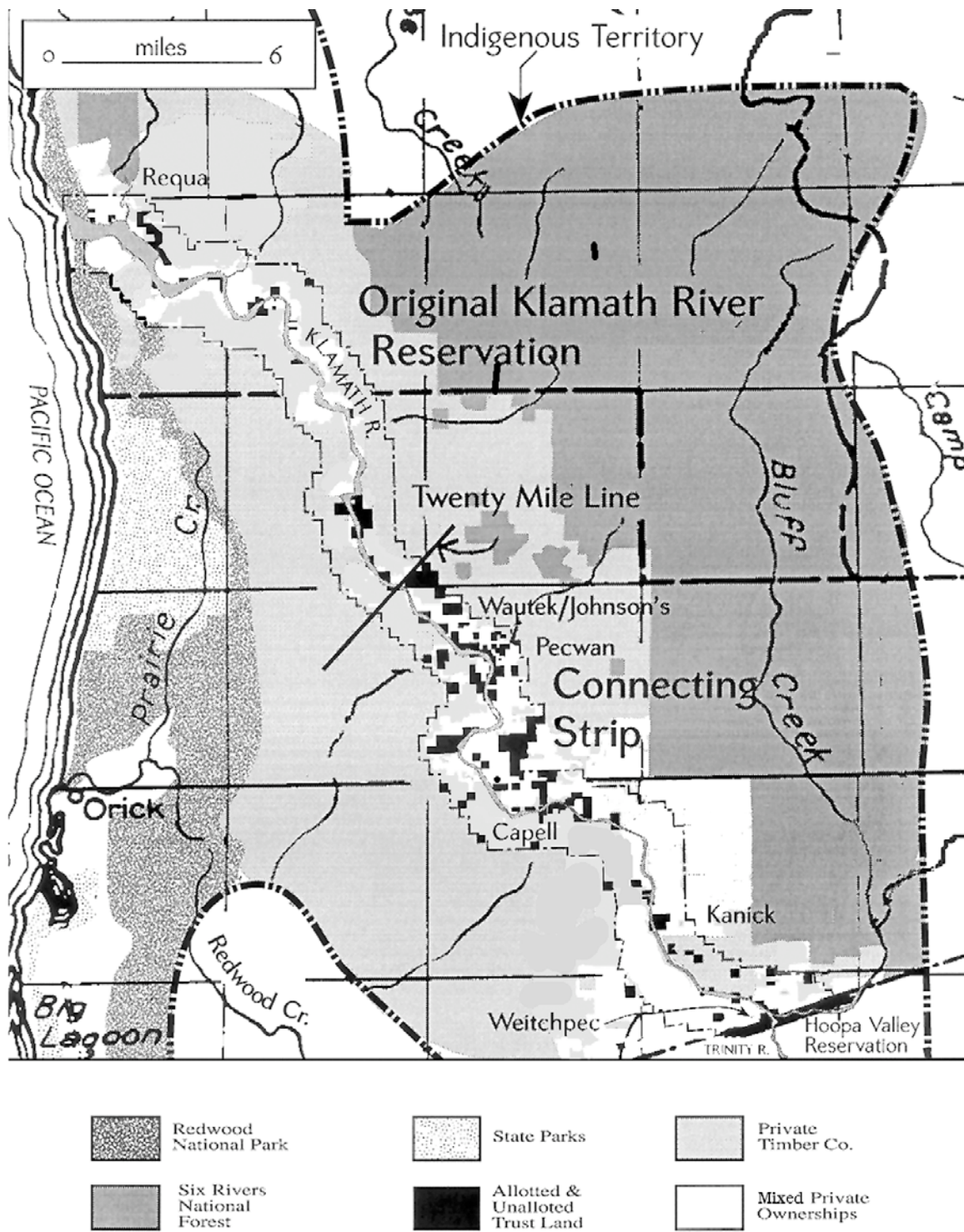
Local histories from the 1860's-90's, admittedly designed to attract settlers to the region, vociferously lament the continued existence of the Klamath River Reservation:

In this Klamath Reservation, locked up by the Government, and rendered useless by the idiotic measures of the Indian Department, are thousands of acres of as fine timber land as the sun ever shone upon. An immense resource in minerals lies useless and idle because of the unjust and absurd policy of the Federal Government. A territory twenty miles long and two miles wide is kept sacred to the use of 82 Digger Indians. When the Reservation was first formed in 1855, it was a necessity arising from the danger to be apprehended from three or four thousand Indians who were running over the county, threatening the whites and making themselves generally obnoxious. This necessity has long since passed away. The Indians on the Reservation have decreased from over 2,000 to less than 100; and as most of their warriors and braves sleep in the embrace of death, there no longer remains any reason to fear them. The Indian Department, entirely ignorant of the true state of affairs, or else careless and indifferent to the matter, have turned a deaf ear to every appeal made to them on behalf of the whites.....(Bledsoe, 1881)

The author continues by comparing the lot of the Indians to that of the local settlers who are only able to claim 160 acres under the Homestead Act:

There are about 25 able-bodied Indian males on the reservation. A moment's calculation, taking into consideration that the reservation is twenty miles long and two miles wide, will prove that each of these Indians is allowed eight or ten times as much as a white man (Bledsoe, 1881).

Figure 3-1 Yurok Reservation: Landownership within indigenous territory (after Gates 1993; USDA-SCS 1938)



Such attitudes had a profound affect on the Yurok Reservation and on tribes nationwide at the close of the nineteenth century. The federal government initiated a series of policy decisions intended to better the lot of the tribes by applying the principles of individual initiative and property rights to Reservations. The most far-reaching of these policies is embodied in the General Allotment or Dawes Act of 1887 (26 Stat. 794) (Appendix I). Until the passage of this Act, reservations were essentially land held in trust by the federal government for the common use of tribes. The Dawes Act authorized the parceling and allotment of reservation lands to individual Indians. The Act was put forth as an attempt to protect Indian title to the land and turn the Indians into hardworking yeoman farmers (Prucha, 1984), free from the restrictions of the Reservation. The ultimate goal was to get the government “out of the Indian business” (Prucha, 1984). Policymakers hoped to replace tribal civilization with a white one, protect the Indians from unscrupulous whites, promote progress, and save the federal government money (McDonnell, 1991).

The Dawes Act called for the allotment of 160 acres of grazing land or 80 acres of crop land to each head of household, and of smaller parcels to wives and children. With the granting of each parcel, the allottee was given citizenship and some agricultural implements. For twenty five years after the allotment was granted, the allotted land was to be held in trust by the federal government for the allottee — a “trust patent” title. During that time the land would be completely inalienable. After twenty five years, the allottee was to receive fee simple title to the land under the assumption that during the trust period the allottee would become competent to manage his or her own affairs without the aid of the federal government. Taking fee simple title to the land meant assuming responsibility for paying all property taxes and assessments, an important part of becoming a full member of society (Prucha, 1984).

The history of the lower Klamath from 1850 to the turn of the century is fraught with conflict between would-be settlers and the federal government. Many local people believed that the Reservation ceased to exist after the floods in 1861 when attempts were made to move the Yurok to the Smith River Reservation (Chapter 1). The government re-asserted its right to the reservation forcibly in 1879, bringing in the military to remove squatters from reservation lands. In the late nineteenth century the value of the region’s redwoods was beginning to be appreciated. Preceding and coincident with the passage of the Allotment Act, great pressure was applied to the government to release Klamath River Reservation lands for settlement by non-Indians.

Allotment of the Klamath River Reservation

The lands of the Klamath River Reservation were treated differently than those of the “connecting strip” in the allotment process (Figure 3-1). The Executive Order of October 16, 1891 (Appendix I) included the Klamath River Reservation in the extension of the Hoopa Valley Reservation as follows:

It is hereby ordered that the limits of the Hoopa Valley Reservation, in the State of California, a reservation duly set apart for Indian purpose,...[is] hereby extended so as to include a tract of country 1 mile in width on each side of the Klamath River, and extending from the present limits of the said Hoopa Valley Reservation to the Pacific Ocean; Provided, however, that any tract or tracts included within the above-described boundaries to which valid rights have been attached under the laws of the United States are hereby excluded from the reservation as hereby extended.

It was administratively determined that Klamath River Reservation lands were excluded from the Hoopa Reservation Extension as lands upon which there were prior “valid rights attached under the laws of the United States” (Ripke, 1962)¹². No doubt stimulated by the strong local interest in lower Klamath River land, The Act of June 17, 1892 (27 Stat. 52) was one of many such pieces of legislation passed nationwide that modified provisions of the Dawes Act for application to a specific reservation, generally in response to the demands of non-Indian settlers (McDonnell, 1991). The Act authorized the allotment of the Klamath River Reservation, but rather than leaving unallotted lands in tribal trust as called for in the Dawes Act, surplus lands were restored to the public domain for settlement and purchase. As a result, most of the lands of the Klamath River Reservation were sold or granted to non-Indians by the federal government following the granting of trust allotments.

¹²Debate about whether or not the Klamath River Reservation lands were still in a reservation as part of the Hoopa Valley Extension Reservation continued through the decades until it was finally settled by the Hoopa-Yurok Settlement Act of 1988. These lands are now within the Yurok Reservation. The only reasonable explanation for the disposal of most of the lands on the lower Klamath is that 1892 was one of those periods when the original Klamath River Reservation lands were considered not part of the extension. The title statement for the Hoopa Valley Extension Reservation excludes trust lands of the Former Klamath River Reservation.

The procedure for making allotments was complicated. First, the General Land Office conducted a detailed survey paid for with money transferred from the Indian Office's appropriations (to be re-paid, in theory, by the Indians). Once the survey was completed, a roll of all Indians entitled to allotments as prescribed by the Secretary of the Interior was prepared (McDonnell, 1991). The President appointed Special Indian Agents to prepare allotment schedules and direct the allotting process. When needed, the Indian Office sometimes employed surveyors to locate allotment boundaries. Usually each Indian selected his own tract of farming or grazing land; the head of a family chose land for his minor children, and the allotting agent or superintendent selected land for orphans (McDonnell, 1991). The agent was to encourage Indians to select the best land available on the reservation. The general policy was that lands unsuitable to agricultural use, including timberlands, should not be allotted (Kinney, 1950). After the agent marked the tracts, he forwarded to the Indian office schedules with the name, age, sex, and family relationship of each allottee, and a description of the allotment (McDonnell, 1991).

Special Indian Agent Ambrose Hill was instructed on September 23, 1892 to allot the Klamath River Reservation to Indians located on the reservation as of June 17, 1892 (BIA LTRO-Sacramento). The allotment schedule developed by Agent Hill was approved August 11, 1893. These allotments are known as the "Hill Schedule," and in current documentation are preceded by the letter H. For example, "H-1" was the first allotment granted. It is located at Requa at the mouth of the Klamath River (Maps 3A, 3B, 3C). The Hill Schedule for the lower Klamath granted 161 trust allotments (H-1 to H-161), including 235 parcels comprising 9,790.12 acres, an average of 60 acres per allottee. It was not unusual for an individual allotment to be granted in more than one parcel, perhaps including a half-acre garden and homesite area near a village, and a larger area for grazing or crop production elsewhere. Allotments tend to cluster around creek mouths where alluvial soils supported some cultivation, or near villages. A total of 70 acres was set aside for the Village Reserves of Requa, Hoppaw, and Scaath.

After completing the allotment process for the Klamath River Reservation, Agent Hill signed the schedule on February 13, 1893 and wrote:

I hereby certify on honor that the schedules of Allotments to which this certificate is attached and hereby made part there of, are full, true, and complete schedules of lands allotted to Indians located on the Original Klamath River Reservation in the State of California. That said allotments were made under my personal supervision and that I was personally

present and directed the survey of said tracts of land and went in person with the allottees and directed the placing of stakes and monuments at the corners and used all reasonable means of acquainting them with the corners lines and locations of their allotments (BIA LTRO-Sacramento).

In accordance with the 1892 Act, the remaining lands aside from the three village sites were opened to entry and settlement by non-Indians, effectively terminating the reservation (Ripke, 1962). The title statement for the Former Klamath River Reservation (BIA-LTRO Sacramento) states that the original acreage as described in the 1855 Executive Order (10 Stat. L. 699) establishing the reservation was “about” 25,000 acres. An estimated 15,321 acres were returned to the public domain and opened to sale and settlement or excluded subject to a valid prior land claim. This land is described in the title statement as:

Tracts to which homestead or other valid rights had been attached as of the date of the Act and all other lands within the original boundaries that had not been selected for allotment nor included within the village sites.

Almost certainly most if not all of this acreage was disposed of after allotments were granted in 1893. It is doubtful that many legitimate claims had been established within the Klamath River Reservation area prior to its creation in 1855, particularly since most Gold Rush mining activity was on the Trinity River forty miles upstream.

In an 1894 history of Del Norte County, the prior existence of the Klamath River Reservation is lamented as a drawback to settlement, but, the author continues:

By the untiring efforts of Congressman Geary, the Reservation was declared open and one year granted to allot the Indians. This was done last year by Special Agent A.H. Hill, assisted by County Surveyor P.D. Holcomb, and on May 21 the settlers were allowed to file...We should extend the hand of good fellowship, friendship, and respect to those trusty pioneers who succeeded in overcoming every obstacle and freeing themselves and their property from the yoke of a militant U.S. Indian Agent (Childs, 1894).

Most unallotted lands were timberlands, typically with redwood, Douglas fir, and some Port Orford cedar. These lands could be granted under the Homestead Act or purchased according to the provisions of the 1878 Timber and Stone Act (20 Stat. 89), as extended to all public land states by the Act of August 4, 1892 (27 Stat. 348). The 1878 Act

allowed the purchase of timber lands or non-arable lands, and with the allotment of the Reservation, opened the door to large scale landownership of Klamath River forest lands. The 1894 history lists the largest landowners in the county as follows (Childs, 1894):

1. Northern California Redwood Company	17,516 acres
2. H. Kraft	8,938 acres
3. Hobbs, Wall and Co.	8,744 acres
4. Del Norte Commercial Co.	4,577 acres
5. Ca. A. Trust	4,370 acres
6. James Camp	2,914 acres
7. John Malone	2,363 acres

The same history comments:

Valuable redwood timber covers the hills, many acres of which is still vacant government land. On the north side of the river about one mile from its banks is the tract of land owned by Northern California Redwood Company....About fifteen miles from the mouth of the Klamath River, and like an oasis in the desert is the extensive sheep range of L.H. Stevens and Sons on Blue Creek. These gentlemen ship wool from about 1500 sheep each season and ship mutton to Humboldt market (Childs, 1894).

As late as 1913, Forestry Guard Phineas Holcome reflected “that with the opening of the Reservation following the allotment period, timberlands on the lower Klamath were being sold at \$2.50 per acre and homesteads at \$1.25 per acre” (Roberts et al. 1983).

Of the land disposed of, 160 acres were unclaimed in 1958 and were returned to tribal trust by the Indian Land Restoration Act of May 19, 1958 (72 Stat. 121). These are described in one account as exceptionally steep or frequently flooded lands, unsuited for habitation (Ripke, 1962). In addition, the 20 acres of the Village Reserve of Requa were returned to the public domain in 1932 and allotted to four individual Indians. These allotments are designated with an S, for “Sacramento Schedule ” (Map A).

Allotment of the Connecting Strip

Authority for allotment of the connecting strip between the border of the Klamath River Reservation and the Hoopa Valley Reservation was granted by President Benjamin Harrison on September 30, 1892 (Figure 3-1) (Appendix I). No instructions for disposal of unallotted lands were provided. Allotment of lands above the 20 mile limit of the Klamath River Reservation was delayed by surveying difficulties in the area so most allotments were granted in 1899 as part of the Hoopa Extension Reservation. On the Hill Schedule, approved June 22, 1898, 233 allotments comprising 292 parcels and 9,101 acres, were granted in the strip (H-162 to H-407¹³), working from the border of the Klamath River Reservation south. Special Indian Agent Turpin granted 252 allotments of 365 parcels comprising 10,233 acres on the "Turpin Schedule," working southward from Pecwan to Weitchpec. The two schedules overlap midway along the Klamath (Maps 3A, 3B, 3C). Altogether, 485 Indians received allotments in the connecting strip.

The title statement for the Extension Reservation states that of the original 23,169.27 acres in trust, 19,492.9 acres were allotted (BIA-LTRO Sacramento). About 3,676 acres were left in trust status or village reserves. Village reserves were established at Natchko, Mettah, Waseeck, Kanick, Mareep, Moreck, Courtep, Surgone, Wauteck (Johnson's), Pecwan, Cappell, and Weitchpec, altogether about 320 acres (Figure 3-1). Unlike the Klamath River Reservation, unallotted properties were not immediately returned to the public domain and disposed of but instead were held in trust. The Dawes Act specified that unallotted lands were to be dealt with in accordance with negotiation with the tribe, although after 1904 a succession of decisions reduced the need for tribal consent (Prucha, 1984). In any case, the Yurok did not have an organized tribe to grant authority for sales or management activities on tribal lands (Ripke, 1962).

A number of homestead and mining claims existed in the area prior to 1891, and some trust lands were sold, intentionally or otherwise. In one case, a purchaser bought 160 acres through the Timber and Stone Act of 1878, including 40 acres within the reservation boundaries (Hena, 1973), despite the language of the Act excluding Indian reservations from lands to be sold. In 1973, the Tribal Reserve at Natchko was

¹³Some numbers in the allotment schedule were not awarded or canceled. In one case, for example, it was found that the allottee already had an allotment in the Turpin Schedule.

withdrawn when an 1884 homestead claim by Issac Griggs was recognized (BIA-LTRO Sacramento Records). Today an estimated 2,827 lands remain in unallotted trust status on the strip with 300 acres in village reserves, now referred to as “tribal reserve” (Figure 3-2).

Proportionally more of the allotment area in the strip was classified as timberlands at the time of allotment (Table 3-1). Allotted timberlands were to be used to get materials for personal home construction and fuel. Federal policy for Indian timberlands or non-agricultural lands was largely non-existent at this time¹⁴. Allottees were not permitted to sell timber from their lands until the Act of 1910, and then only “mature” timber was to be cut. It was not until 1964 that allottees were able to sell “commercially mature” timber from their allotments (Prucha, 1984). Some historians believe that the allotment of timberlands or other lands that were completely unsuitable for agriculture was a violation of the Dawes Act, and set the allottees up to fail so that non-Indians could obtain the land (McDonnell, 1991). In some cases, timbered lands were allotted in the belief that they could be cleared for crop or livestock production (McDonnell, 1991).

About 90% of the total strip area was allotted, compared to less than half of the available Klamath Rive Reservation lands, probably because demand for non-Indian access to these upriver lands was less. The redwood belt fades out in the lower part of the strip, and the value of the Douglas fir and oak stands further up river was not great at the time.

Differences might also be due to differing criteria for classification. For example, if the timberlands are lumped with timber and grazing lands, the discrepancy nearly disappears. Although even the less desirable areas for cultivation were allotted on the strip, the average size of the allotment was smaller. On the Klamath Reservation, men received about 70 acres each, while on the strip they got approximately 44 acres on average.

¹⁴In the 1920's there were suits filed when Indians were unable to obtain timber allotments on some reservations. The Forest Service administered reservation forests for a short time, culminating in an attempt to take control of unallotted reservation timber in 1909. On March 2, two days before retiring from office, President Theodore Roosevelt, upon the recommendation of Cheif Forester Gifford Pinchot, signed eight Executive Proclamations annexing 2.5 million acres of Indian Forest land, including that on the Hoopa Reservation, to National Forests. This was revoked when the Attorney General ruled that the President did not have the authority to do it, and the order was formally rescinded on Feb. 12, 1912 (Kinney, 1950).



Figure 3-2. Two parcels in tribal reserve: ceremonial structures and river bar.

**Table 3-1. Land Class description in the 1890's by acres and percent of total,
Connecting Strip and Klamath River Reservation.**

Classification	Strip Acres	Mean acres granted 1	Percent of Total	Klamath Acres	Mean acres granted 1	Percent of Total
<i>Grazing</i>	4451	28	23	959	56	10
<i>Timber and Grazing</i>	6210	38	32	4039	49	42
<i>Timber</i>	4888	30	25	722	43	8
<i>Timber, Grazing and Crops</i>	475	48	2	1637	42	17
<i>Garden and Grazing</i>	1067	25	6	737	49	8
<i>Timber and Crops</i>	936	23	5	344	49	4
<i>Crop Land</i>	546	11	3	544	13	6
<i>Garden Plot</i>	29	4	<1	-	-	-
<i>Not Reported</i>	812	31	4	672	45	7

¹*For allottees receiving this type of land.*

An examination of the pattern of allotments suggests that some sites were probably selected because of fishing opportunities. At least one published account argues that families may have organized the selection of allotments to acquire traditional gathering, hunting, fishing, and ceremonial grounds or sites of spiritual significance (Morris, 1992).

Because of a lack of suitable arable or grazable lands, amounts actually allotted to individual Indians on the entire Klamath tend to be less than the acreages stipulated by the Dawes Act, with on average about 50 acres awarded to mature males, 42 acres to wives and mothers, and 43 acres to those under 18 years of age. Allottee age varied from 1 to 75, and about 54% were female. A familial relation notation was made on many allotments, perhaps providing some insight into the structure of the local population (Table 3-2.). All Indians residing in the area were eligible for allotments.

Table 3-2. Allottee familial designations on allotment schedules, 1893 and 1898 (n=650).

Designation	% Total	Mean Age	Designation	% Total	Mean Age
Wife	14	38	Sister	1	23
Mother	5	33	Brother	2	36
Husband	6	46	Widower/Widow	3	41
Father	2	45	Niece/Nephew/ Grandmother	<1	—
Head (89% male)	9	45	Single	3	29
Son	16	9	Other*	3	19
Daughter	21	11	Not Given**	15	35

*age range 1 to 52

**age range 2 to 70

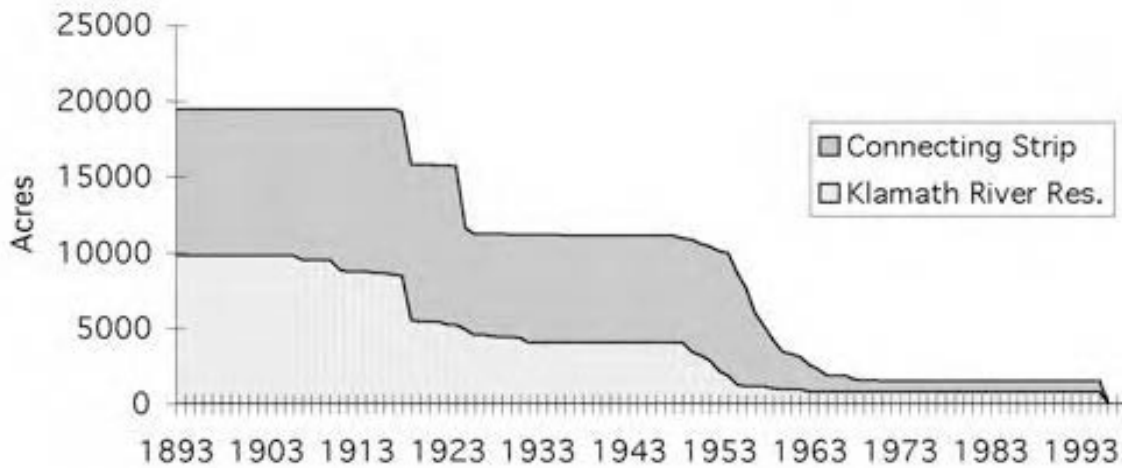
Over time, various acreage adjustments have been made, including adjustments for surveying discrepancies, notably between the Haughn Survey of 1882 and the Gilcrest Survey of 1889. Surveying difficulties make comparing trust or non-trust acreages estimated in previous decades to acreages estimated today of limited value. For the entire area of what is now the Yurok Reservation, the best records available indicate about 1,915 acres remain in 89 trust allotments (Map 3A, 3B, 3C). Another 3,342 acres remain in tribal trust status and 350 acres are in Village Reserves. A significant amount of the trust land is located where the Hoopa and Yurok Reservations meet as a result of a surveying problem, and near Cappell, where there is another area of surveying uncertainty. As recently as 1993, twenty acres of the former Weitchpec Bar Mining Claim near Weitchpec were returned to tribal trust (Map 3C).

There is also a 149 acre Indian Homestead near Kannick Village on the connecting strip. Under the Act of March 3, 1875 and the 1884 Indian Homestead Law (Appendix I), family heads and single persons over twenty-one who had severed their tribal ties could take homesteads on the public domain under the same regulations as whites without paying the stipulated fees. This homestead was established prior to the designation of the strip as part of a reservation in 1891.

Allotment Attrition

An analysis of the removal of allotments from trust status shows two major periods when allotments were taken out of trust: 1919-1934, and 1945-1968 (Figure 3-3). These patterns reflect specific trends in federal Indian policy in the 20th century.

Figure 3-3. Acres remaining in trust, Klamath River Reservation and Connecting Strip, (Yurok Reservation), 1893-1994.



The Dawes Act provided for a 25 year trust period for allottees, after which they would be given the land in fee simple status, i.e., as private property independent of tribal or government supervision. The first big period of trust removal occurs in 1919, 25 years after the allotments on the Former Klamath Reservation were awarded in 1893 (Figure 3-3). On the Klamath Reservation, 29% of trust parcels were fee-patented in 1919. More tellingly, 17% of the parcels on the Strip were also fee patented in 1919, before the 25 year trust period designated by the Dawes Act expired, since these allotments were granted in 1898-9 (Figure 3-5). This happened because the Dawes Act had been substantially amended by the Burke Act of 1906.

Figure 3-4. The area around Wautek and Courtep (Cortep) in 1922. on the connecting strip, 1920, before most allotments were fee-patented. Yurok were often given small village plots and more distant larger “farming” plots, although few were suitable for cultivation. Each individual was entitled to an allotment, so families would try to claim lands they traditionally used under the usufruct system. Compare to figure 2-4.

Belcher Abstract and Title, Eureka, CA. 1922. Sheet 21, Atlas of Humboldt County, CA. Humboldt State University Special Collections.

<http://library.humboldt.edu/humco/holdings/belcher.htm> accessed Nov. 21, 2009).



The push to fee patent

The Burke Act clarified when an allottee was to obtain citizenship, stipulating that citizenship was granted when a trust allotment passed into fee-simple ownership¹⁵. The Act also provided that trust allotments might be fee-patented and citizenship attained before the end of the 25 year period to any Indian found to be competent to manage his or her own affairs. In addition, at the end of the 25 year period, an Indian did not automatically receive land in fee simple status unless determined to be competent. The Burke Act was intended to benefit Indians who were competent to manage their land economically by shortening the trust period, and to protect those who had not yet adapted to society by extending the trust period. But as the population of the western states grew, demand for Indian lands heightened. The prevailing attitude that uncultivated or extensively managed land was unused and therefore wasted land gained impetus from W.W.I. and became a rationale for releasing Indian lands from trust. Putting the land to productive use (by the standards of white society) became more important than protecting Indian ownership (McDonnell, 1991). The Burke Act achieved its greatest notoriety when it was used to fee patent Indian allotments without the consent of allottees.

The Burke Act shifted the responsibility for granting fee patents from Congress, where special legislation had been acted on each year to allow some early fee patents, to the Secretary of the Interior. From 1906 to 1913, an allottee wishing to fee patent their land before the end of the trust period applied to the local Superintendent and completed a questionnaire to demonstrate competency (McDonnell, 1991). The Superintendent would post the name of the applicant in a prominent place for 30 days, and then forward a report on the applicant's competency to the Commissioner of Indian Affairs, giving detailed reasons for the recommendation (McDonnell, 1991). If the Commissioner approved, he forwarded the application to the Secretary of the Interior, who then forwarded it to the General Land Office.

When a 1908 nationwide survey found that 60% of those receiving fee patents quickly lost the land and the proceeds from it (McDonnell, 1991), Commissioner Francis Leupp

¹⁵Policymakers had assumed that the Dawes Act granted citizenship at the end of the trust period, but a 1905 court case established that citizenship was granted at the time of allotment. The Burke Act resolved this confusion.

tightened up the patenting procedure in 1908-9. He was followed by Commissioner Valentine in 1910 who also took a cautious approach. By this point, Superintendents had been directed to consider age, percent Indian blood, marital status, alcoholism, number in family, dependents, economic status, education, industriousness, and farming ability among other factors when determining competency (McDonnell, 1991). In some places speculators would approach allottees who had a reason to expect to be declared competent soon, and have them mortgage the land against it becoming alienable in the near future. Commissioner Valentine, realizing that many Indians were going to sell their land directly upon receiving a fee patent, ordered Superintendents to encourage Indians wanting to sell their lands to do so with BIA help so that they would not be taken advantage of (McDonnell, 1991).

In 1913, Cato Sells became Commissioner of Indian Affairs. Working under Secretary of the Interior Franklin K. Lane, the period from 1913-1920 was a frenzy of fee patenting. There were two underlying motivations for this acceleration of fee-patenting (Prucha, 1984). First, both Lane and Sells were obsessed with the idea that land and other resources should be fully utilized (Prucha, 1984). As Sells stated in a speech to his superintendents in 1914:

I hold it to be an economic and social crime, in this age and under modern conditions, to permit thousands of acres of fertile land belonging to the Indians and capable of great industrial development to lie in unproductive idleness (Prucha, 1984).

This attitude was not a new one: since colonial times there was a complete misunderstanding of or disregard for the legitimacy of Indian land use and management. Lands used for hunting and gathering or used in common were perceived as empty and unclaimed.

The second motivation behind accelerated fee patenting was the continued desire to resolve the "Indian problem" by freeing Indians from wardship status and letting them take their place in American society (Prucha, 1984). In some cases it was argued that even when Indians lost their land, they learned a valuable lesson in self-sufficiency that would eventually improve their lot (McDonnell, 1991).

In 1915, Secretary Lane established the first competency commission. These commissions would visit reservations and determine whether or not allottees were

competent and could be granted fee-patents immediately. The rationale was that some allottees who were competent were not applying, and somehow escaping the full responsibilities of citizenship. Some tribes and individuals tried to resist the fee patenting of their land— in that case the Superintendent was instructed to send the patent by registered mail and inform the tax collector that it had been issued. Although the commissions fee patented at an unprecedented rate, Congress continued to push for increased fee patenting. In a 1917 "Declaration of Policy" Sells streamlined the process by announcing that all allottees with less than one-half Indian blood would automatically be issued fee patents, unless a special case to the contrary was made by the Superintendent (McDonnell, 1991). Superintendents were required to submit directly the names of all those under their jurisdiction who had less than one half Indian blood. Allottees who acquired an educational degree would also be granted a fee patent to their land. Under further pressure from Congress, Sells changed the requirement in 1919 to one-half or less Indian blood for automatic fee patenting.

In the fall of 1918 a two-man competency commission visited the Hoopa reservation and together with then Superintendent Montsorf made a list of which allottees should receive their fee patents. It was at this time that a great many allotments on the Klamath River were removed from trust. It is interesting to note, however, that many allottees were not fee patented even though the 25 year trust period had expired on the lower Klamath River Reservation (Figure 3-3). The Burke Act allowed some 60% of the allotments to remain in trust beyond the original period stipulated by the Dawes Act. A great number of allotments on the connecting strip were fee patented early, but again more than half remained in trust for more than 25 years.

By 1920, so much evidence had accumulated of the rapid loss of land and impoverishment that had resulted from allotment policy that policymakers began to back off from fee patenting. In 1921, the Indian Office under the Harding administration rejected the blood quantum as a justification for automatic fee patenting, and again required formal application and proof of competency (McDonnell, 1991). Nonetheless, many fee patents were issued and the Klamath River was no exception. In 1925, when the trust period expired for most of the allotments in the connecting strip instructions were sent to Superintendent Montsorf to draw up a list of competent individuals. An additional 21% of allotments were taken out of trust at this time, as well as another 7% of those on the Klamath River reservation. The land transfers recorded in BIA records show

that at the time of fee-patenting, the properties went to the allottee, the heirs of the allottee, or other individuals, both Indian and non-Indian (BIA-LTRO Sacramento).

Environmental influences and cultural consequences, 1900-1934

Environmental and ecological conditions along the Klamath River might have helped push Indian families to sell their lands during the twenties. Allotments were not granted for timber, but for crop production and grazing. Unfortunately, the steep and rocky lands along the Klamath are not easily farmed or grazed. The forest tends to invade open lands and must continually be cut back, especially when the use of fire is restricted, as was the general policy after the turn of the century on federally-controlled lands. Small-scale and subsistence agriculture in California declined statewide in the 1920's and 30's, nudged along by a postwar drop in crop prices, yet the acreages allotted were too small for commercial agriculture or grazing. Fisheries along the Klamath were increasingly erratic and Yurok fishermen competed with sports and commercial interests for their fish.

Wartime timber prices were generally good but access to allotments and the steepness of the slopes limited forestry activities away from the coast. During this period the first recorded timber sales from allotments took place. In 1918, the BIA at Hoopa received a proposal from Norman B. Smith of Eureka. He wanted to buy Port Orford cedar along the Klamath River and float logs downstream to a mill at Requa, where they would be converted to lumber and transported from the mill over the Klamath Bar in small barges. Agency correspondence regarding this proposal reported that he leased and took over a small mill at Requa and began to do business. Smith offered \$2.50 MBM when the Indians did the cutting, or \$4.00 to \$18.00 per MBM if they brought the logs to the mill. Still, most commercial logging was restricted to the lower limits of the Klamath (Roberts et al. 1983). Once salable trees were removed, the allottee could not count on further income from timber in the near future.

The allotment process can be seen as a direct assault on what remained of coherent tribal life. As Waterman (1920) states of his 1909 visit to the river:

Since the coming of the whites many towns have been abandoned altogether for a variety of reasons. Lands have in many cases been allotted by the government to Indian families, and where the spot allotted was at all favorable they have taken up their abode on it.

The Yurok pattern of life was to live in village clusters and go to specific widely dispersed places to hunt, fish, and gather during the appropriate seasons. Waterman (1920) documents and maps one family's annual gathering and hunting sites extending all along the Klamath river and parts of the coast (see Figure 2-4). Allotments could not encompass for each family the ecological variety of the former gathering places, yet they effectively destroyed the former system by allocating contiguous chunks of the landscape to individuals. Conflicts must have arisen when one family's gathering or fishing place was within another person's allotment, and non-Indian owners in particular often closed their lands to access by other people. Further, the intentional burning that kept meadows and fields open was discouraged by the federal government.

Warburton and Endert, writing in 1966, describe what appears to be a common pattern in the history of Yurok allotments:

In 1937, George Meldon¹⁶ was last to build the fish dam. The custom was discontinued largely because the California State Fish and Game Commission took a dim view of this fishing technique. George sold some timber land, and he and Annie moved to Crescent City and bought a five room house. Originally they lived on Martin's Ferry.

Most interviewees and Yurok people that we encountered had similar stories of relatives selling the land and moving off the reservation in search of a better life.

One homestead case is illustrative of the situation on the connecting strip in these years. The following is excerpted from BIA correspondence:

In 1875 a 45 year old man named Issac Griggs came to an area near Mettah on the strip in search of land to homestead. Observing that the land across the river was unoccupied and looked arable he filed for a homestead of 160 acres in 1882 after the land was surveyed in the Haughn survey. In 1880 he married Mettah Laura when she was about 15 and had six children. Issac Griggs died in 1891 (White, 1991).

In 1899, the family also received tribal allotments for at least five of the children and for

¹⁶Some sources say this was George Flounder—in any case the two men were closely related and may have both had an important role in the construction of the dam or they may even be the same person.

Laura Griggs in the same area. Allotments to the children of Issac and Laura Griggs could have been fee patented automatically in 1919, as they would have at most been of only one-half Indian blood. Fee patents for Laura Griggs and the five of the children that could be located in the records were indeed given in 1919, before the end of the trust period. The narrative continues with a description of the condition of agriculture in the area:

While Issac Griggs was alive he, along with Laura Griggs' brothers, intensively farmed the original homestead. Any land level enough to cultivate was plowed every year and crops were planted and harvested for family sustenance. After Issac died the family continued to farm and periodically burn to control the encroaching brush, which at the time, was Douglas fir and huckleberry. The land contained little old growth and the best was cut for fence and buildings. There was a continual encroachment of Douglas fir on the plowed land...by 1925, most of the arable land in this ...area had been taken over by Douglas fir and cultivation had ceased (White, 1991).

The Indian Reorganization Act of 1934

The Indian Reorganization Act of 1934 was a reversal of policy and heralded what is often referred to as the “Indian New Deal.” At the end of the Great Depression federal leadership shifted to a new approach to reservation management. The trust period for allotments and reservations was extended indefinitely, although allottees could obtain a fee-patent upon request. Money for public works projects fed into the reservations, creating job opportunities, notably in the Indian CCC. The effect on fee-patenting of Yurok lands was dramatic, at least partly due to increased local economic opportunities. Almost no allotted land was taken out of trust between 1934 and 1949.

"made and concluded at Camp Klamath, at the Junction of Klamath and Trinity Rivers, State of California, October 6, 1851, between Redick McKee, Indian Agent on the part of the United States, and the Chiefs, Captains, and Head Men of the Pohlick or Lower Klamath, etc. Tribes of Indians," was signed by representatives of several tribes, including the Weitchpec Tribe, the Cappel Tribe, the Pakwan (sic) Tribe, and the Seragoines (sic) Tribe. For this and other reasons, the Yurok did not establish a central tribal government until 1993, after they were required to under the terms of the Hoopa-Yurok Settlement Act of 1988. This limited their ability to negotiate with the federal government.

A part of the Indian New Deal was the promulgation of coordinated forest management and sustained yield by BIA forestry (Prucha, 1984). Without a recognized tribal government, and with inaccessible lands in scattered ownerships, the Yurok Forest received little attention during this period despite BIA efforts. Forest management advances were largely confined to the Hoopa Valley, where an organized tribal government was available to work with the BIA. In the meantime, the ecological transformation of the watershed continued apace through the thirties and forties. Due to fire suppression policy, and the decreasing viability of subsistence agriculture in California, the land along the Klamath was becoming amenable only to forest production as an economic activity. Granted for crops and grazing, too small for economically viable sustained yield timber management, allotments were becoming an increasingly poor source of support for their owners.

Indians along the Klamath were still using the forest extensively for subsistence, attempting to adapt to the changes in vegetation as brush encroached and timber thickened. In the 30's, when the BIA was requested by the north coast tanning industry to allow the cutting and peeling of reservation tanoaks, the BIA turned down these requests as acorns were still an important food crop for local people and their livestock (Roberts et al. 1986). A 1938 Soil Conservation Service survey of the Hoopa Valley Reservation, including the Extension, mentions that acorns are an important fodder crop for swine produced and marketed by local Indians (USDA-SCS 1938). The SCS found that open grassy areas were a very small part of the range, most of it being browse and timber. Because of the steep slopes and dense growth on most of the reservation, the carrying capacity for cattle and horses was extremely low. Demand for timber on all but the lower Klamath was limited. The report concludes by saying:

It is reported that in the past it was a general practice to burn timber and browse lands with the expectation that annual burnings would promote grass growth. Although this practice has been discouraged and is rarely followed now, there is still a degree of sentiment in its favor. It is believed that much of the browse cover has developed as the result of fires, and that most of the brush areas would eventually produce a fine stand of fir timber if fires were prevented and suppressed and grazing properly managed.

The Termination Era

The second period of widespread fee-patenting of trust lands from 1953 to 1960 was driven by a combination of federal policy and high demand for timber (Figure 3-3). The post war period was characterized by a renewal of broad support for the productive use of land and a single national culture, and suspicion of “communistic” social or economic arrangements such as those of Indian tribes holding lands in common. House Concurrent Resolution 108 of 1953 called for the withdrawal of federal supervision over Indians in the U.S. (Newell et al. 1986). Some reservations, including the Klamath Reservation in Oregon, were terminated during what is broadly referred to as the “Termination and Relocation Era” by scholars of U.S. Indian policy. Once again Indian people were to be civilized and “individualized,” so that they could take full part in a capitalist, democratic system. As a result, it is widely acknowledged that the predominant attitude of the BIA during this period was that the goal should be to help the Indians assimilate into the larger society, and that crucial to that assimilation was leaving the reservation (Snipp, 1992).

Forest resources were an essential factor in the implementation of the policy of termination (Newell et al. 1986). It is no accident that the major reservations selected for termination, the Klamath in Oregon and the Menominee, were those with significant timber resources. Demand for timber was high, yet under BIA supervision the regulations governing the preparation, sale, and harvest of timber were complex. On reservations that had been allotted out, federal foresters believed that implementing progressive, sustained yield forestry was even more difficult (Kinney, 1950). Echoing early 20th century attitudes about land use, it was now commonly held that the timber resources of the reservations were going to waste through inefficient or inadequate use.

During and after World War II, prices for the redwood and Douglas fir stands along the Klamath rose. At the same time, technological advances in logging practices made the timber more accessible and transportable. During the 1950's, the greatest areas of Indian

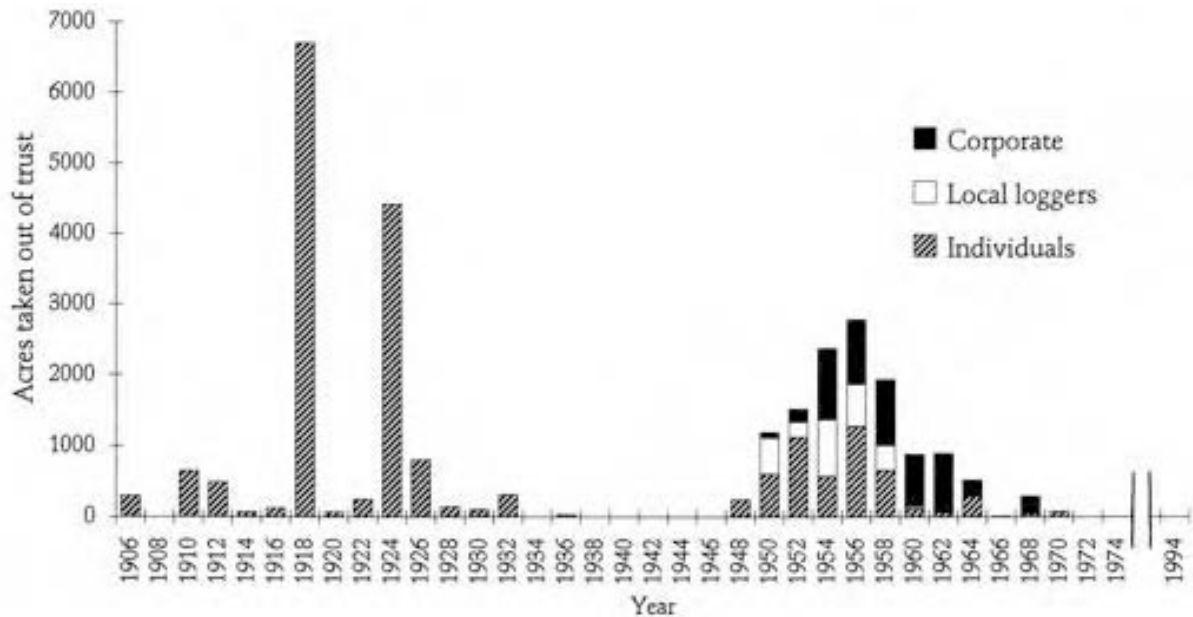
timber sales nationwide were the Pacific Northwest and the Hoopa Reservation (Newell et al. 1986). Arranging for the sale of trust allotment timber like that on the Yurok forest was cumbersome and time consuming, and fee-patenting land was one way to speed and simplify harvest (Newell et al. 1986)¹⁷. In contrast to the fee patenting of the 20's, a large proportion of the fee-patents granted in the 50's were for direct sale to timber companies or local loggers (Figure 3-5). At least 60% of the lands taken out of trust in this period were fee patented to logging interests, with 40% going to large corporations including Simpson, Mutual Plywood, Van Fleet Products, Four Rivers Lumber, Sound Lumber, Mill Creek Lumber, Northern California Plywood, Humboldt Fir, and U.S. Plywood. About 20% was purchased directly by local loggers including Brunello, Ryerson, and Lamb (Figure 3-5). The remaining transfers were identified only as going to individuals or heirs. There is little doubt that allottees along the Klamath River were not discouraged from fee-patenting and selling their lands when the opportunity arose. Unfortunately, determining who purchased land fee patented by the Indian owner or heirs and then sold is beyond the scope of this report.

Scholars of Indian history often point to the Termination period as having had devastating repercussions for relations between the BIA and Indian tribes today. It is argued that transition toward tribal self-determination is often hindered by suspicions that "self-determination" is just a disguised form of termination policy (Prucha, 1984). Locally, termination policies certainly seem to have damaged relations between the Yurok and the BIA. Yurok people today often believe that their relatives were tricked into selling their land to large timber companies, either because they were told that was the only way they could sell their timber, or because they couldn't read what they were signing when they did sell their timber. Contracts for sales of timber and land in the recorder's office are often signed with an "X" (Morris, 1992). Some believe that BIA agents were in league with timber companies in acquiring Indian lands. Among BIA correspondence from the 1950's there is at least one letter from an allottee who charges that the BIA won't allow Indians to sell timber without selling their land (BIA—Klamath Sub-Agency, correspondence). Allusions to BIA "sweetheart deals" with timber

¹⁷Selling timber from a trust allotment required the owner to give BIA power of attorney to handle the sale. The BIA trust responsibility includes holding an open sale to secure fair price, the notification and consent of a majority of trust title-holders, and division of proceeds in accordance with interest in the property. This process can take a couple of years and is discussed in Chapter 4.

companies have been made in the West (Snipp, 1992). In the 70's and 80's, Congressional investigation of BIA resource management activities was ongoing.

Figure 3-6. Allotment title transfers directly from trust each year, Yurok Reservation, 1900-1994.



Investigating these controversies in depth is beyond the scope of this report. It is clear that Indian families often looked to timber harvest on their allotments for financial support as the value of the timber grew. Finding the BIA process of handling timber sales slow or difficult to understand, some may have sold the land as the easiest way to get the timber cut. It is also likely that many of them, having left the reservation or wanting to leave, sold their land when the prices rose dramatically. The sale of timber and the land would meet federal policy objectives and give the allottee a stake to start an off-reservation life. The Termination era and the large scale attrition of allotments came to a close in the 1960s. Regulations allowing special permits for allottees to commercially harvest limited amounts of their own timber, or to select an Indian logger to do so, were developed in the late 50's. This gave allottees some relief from the cumbersome BIA process for advertised sale.

As a result of the Hoopa-Yurok Settlement Act of 1988, public lands within the reservation boundaries were returned to tribal trust. Three parcels totaling 325 acres were

acquired from the Six Rivers National Forest, becoming Tribal Trust lands USFS-1, USFS-2 and USFS-3 (Maps 3A, 3B, 3C). The Act also resolved the continual debate over whether or not the former Klamath River Reservation existed and was a part of the Hoopa Valley Reservation Extension by designating the connecting strip and the former Klamath River Reservation area together as the Yurok Reservation, contiguous from the border of the Hoopa square to the Pacific.

The legacy of the allotment process has great implications for forest management on the Yurok Forest under the current federal policy of encouraging tribal self-determination. The fact that so little land remains in trust is a source of bitterness in the Indian community, fueled because most of the fee-patented land no longer belongs to Indian families (see Figure 1-6). The vast majority of the lands of the reservation belong to non-Indian private landholders, including at least one major timber company. The Yurok Tribe has a stated goal of regaining lost lands within reservation boundaries.

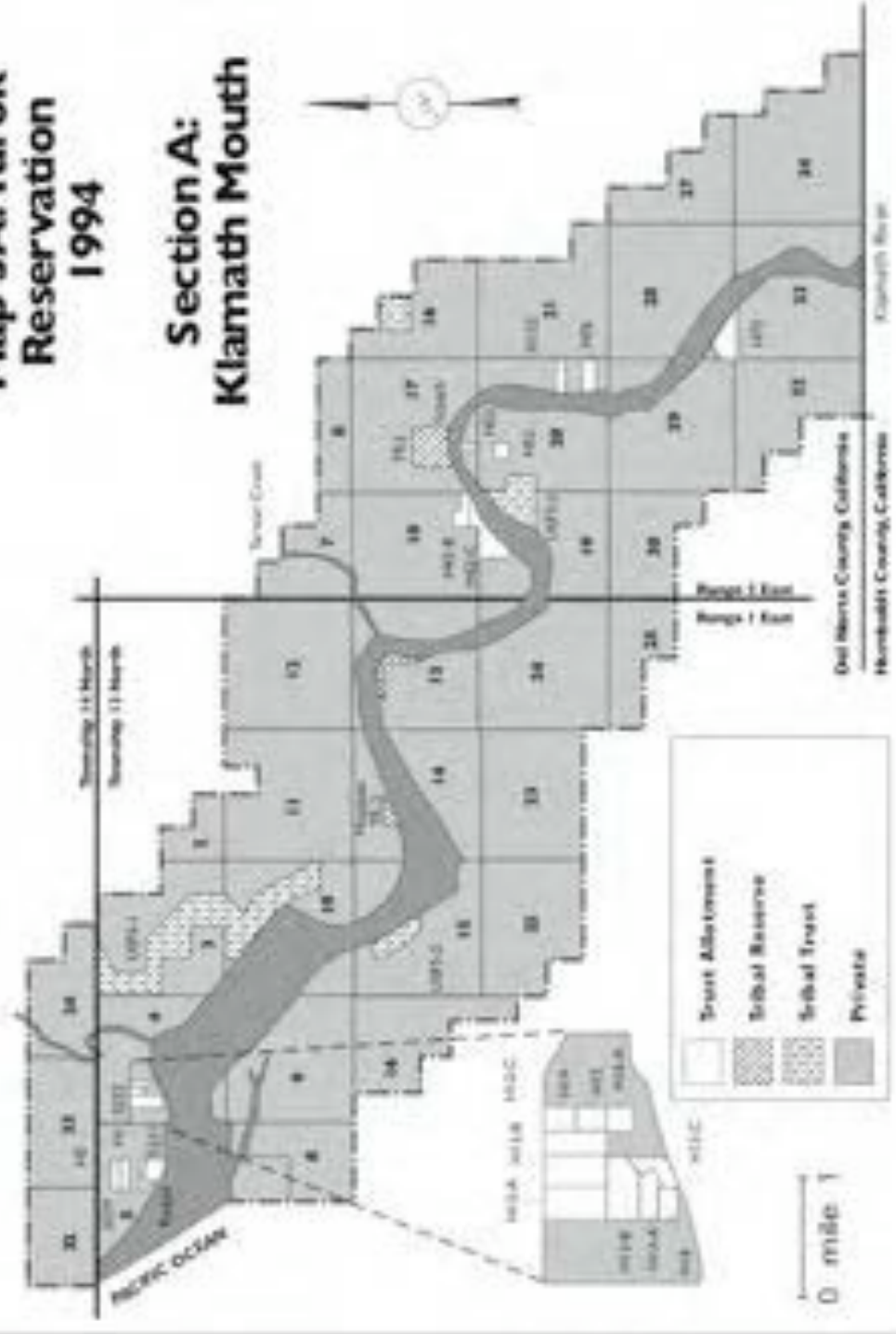
The loss of tribal control of Yurok indigenous territory land not only damages the tribe's economic capacity, but makes it difficult if not impossible to engage in many culturally important activities. Tribal people do not have access to traditionally important spiritual or gathering sites or control of actions on surrounding land that affect traditional cultural and subsistence activities. Individuals interviewed by the Forest Service expressed concern about forest and soil damage from clearcutting and other logging practices (Sundberg and Drake 1980). Many feel that important trails are poorly maintained or lost and need more attention. Attempts to control or reduce tanoak trees, whether through harvest, weeding, or spraying, are not appreciated by the Yurok. Invasion by non-Indian gatherers for commercial, recreational, or spiritual purposes also is perceived as an increasing problem.

Herbicide use is of particular concern to gatherers and hunters. The use of herbicides is often blamed for serious illness among reservation inhabitants, loss of plant species, and declines in fish and wildlife populations. These impacts directly damage the cultural life of the tribe. For example, the consumption of deer liver is a spiritually significant act, but Yurok people no longer eat it as they fear that the liver is likely to be poisoned by toxic chemicals used in local forest management. Basket materials are placed in the mouth during preparation and weaving. Forest Service interviewees also expressed concern about herbicide contamination of crops, wildlife, and water quality (Sundberg and Drake, 1980). If nothing else, posting of places where herbicides are used is needed.

In sum, the Yurok tribe originally placed high value on oak woodland and prairies, and these were the areas of most intense Yurok settlement and food gathering. Burning was a part of tribal management of the landscape. Yurok burning was more frequent and spottier than would be expected under a “natural” fire regime, and maintained a rich mix of vegetation types in the watershed (Lewis, 1993). In the twentieth century, the high value vegetation for the dominant society became forest. As a result of fire suppression and harvest and regeneration practices the overall landscape of the watershed has changed. The fisheries, wildlife, and gathering grounds used by the Yurok have all been altered. Future forest management must consider the type of landscape and the mosaic of vegetation types and harvest practices that will meet the needs of the tribe, be it for cash income, basketry materials, wildlife habitat, fisheries, recreation, spiritual values, or some combination of use and values. Because most of the Yurok tribe’s traditional gathering and hunting territory is no longer under their jurisdiction, mechanisms to influence management of these lands need to be explored. Some progress in this area has already been made working with the Forest Service. As so much of the important information is appropriately not in the public domain, participatory management that includes tribal members knowledgeable about the spectrum of Yurok use and management of the forest is essential.

Map 3A: Yurok Reservation 1994

Section A: Klamath Mouth



Paul Stern & Lynn Hammer 1994

MAP SEGMENT 3A--1994 ACREAGE TABLE

TRUST LAND

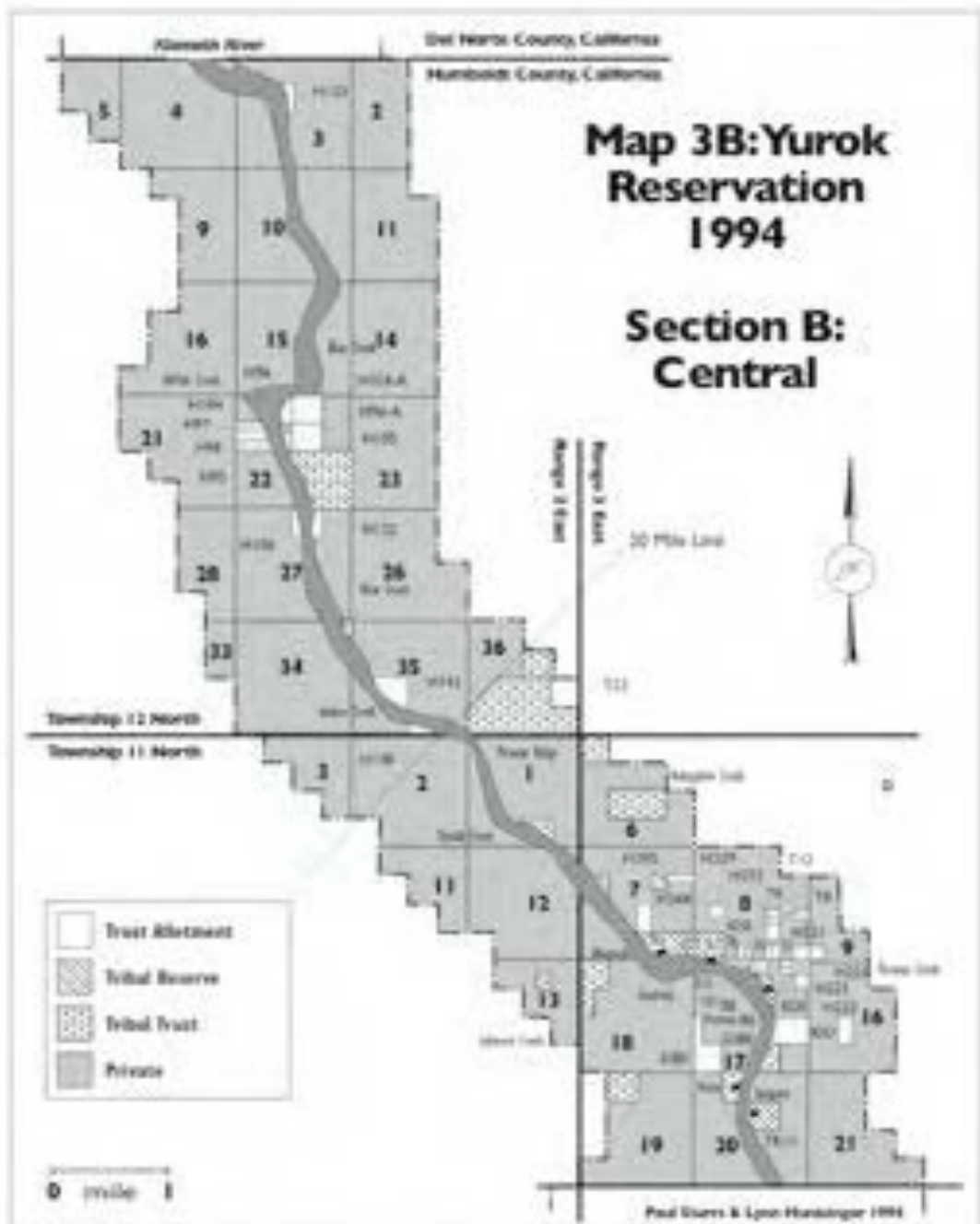
<u>TOWNSHIP & RANGE</u>	<u>GENERAL AREA</u>	<u>ACRES</u>	
Sec 13, T13N, R2E	Waukell Flat (Klamath)	20	KRR
Sec 16, T13N, R2E	Four miles up Pecwan Ridge road (Klamath)	40	KRR
USFS - 1		230	KRR
USFS - 2		20	KRR
USFS - 3		75	KRR
	TOTAL	385	KRR

TRIBAL RESERVE

<u>TOWNSHIP & RANGE</u>	<u>GENERAL AREA</u>	<u>ACRES</u>	
TR-2 Sec 14, T13N, R1E	Hoppaw Village (on road to Klamath Glen)	9	KRR
TR-3 Sec 17, T13N, R2E	Scaath Village	40	KRR
	TOTAL	49	KRR

TRUST ALLOTMENTS	Former Klamath River Reservation	188	KRR
-------------------------	----------------------------------	-----	-----

[KRR=on the former Klamath River Reservation below 20 mile line.]



Yurok Forest History Chapter 3 -- pg. 57

MAP SEGMENT 3B--1994 ACREAGE TABLE

TRUST LAND

<u>TOWNSHIP & RANGE</u>	<u>GENERAL AREA</u>	<u>ACRES</u>	
Sec 22, T12N, R2E	Blue Creek	130	KRR
Sec 36, T12N, R2E	Bear Creek	260	
Sec 34, T12N, R2E	Bear Creek	5	KRR
Sec 1, T11N, R2E	Tectah Creek	40	
Sec 6, T11N, R3E	Above Johnson's	120	
Sec 7, T11N, R3E	Johnson's	25	
Sec 13, T11N, R2E	Across From Johnson's	10	
Sec 18, T11N, R3E	Across From Johnson's	60	
Sec 17, T11N, R3E	Pecwan (2 pieces)	50	
Sec 19, T11N, R3E	Johnson Road	40	
Sec 20, T11N, R3E	Yocta Village	30	
G - 1000	Pecwan School	1	
G - 1001	Johnson Creek	50	
			(135
		TOTAL	821 KRR)

TRIBAL RESERVE

<u>TOWNSHIP & RANGE</u>	<u>GENERAL AREA</u>	<u>ACRES</u>	
TR-6 Sec 7, T11N, R3E	Johnson's, Wautek Village	54	
TR-7 Sec 8, T11N, R3E	Johnson's, Courtep Village	29	
TR-8 Sec 17, T11N, R3E	Pecwan Village	11	
TR-9 Sec 17, T11N, R3E	Pecwan Village	9	
TR-11 Sec 20, T11N, R3E	Pecwan, Surgone Village	44	
		TOTAL	147

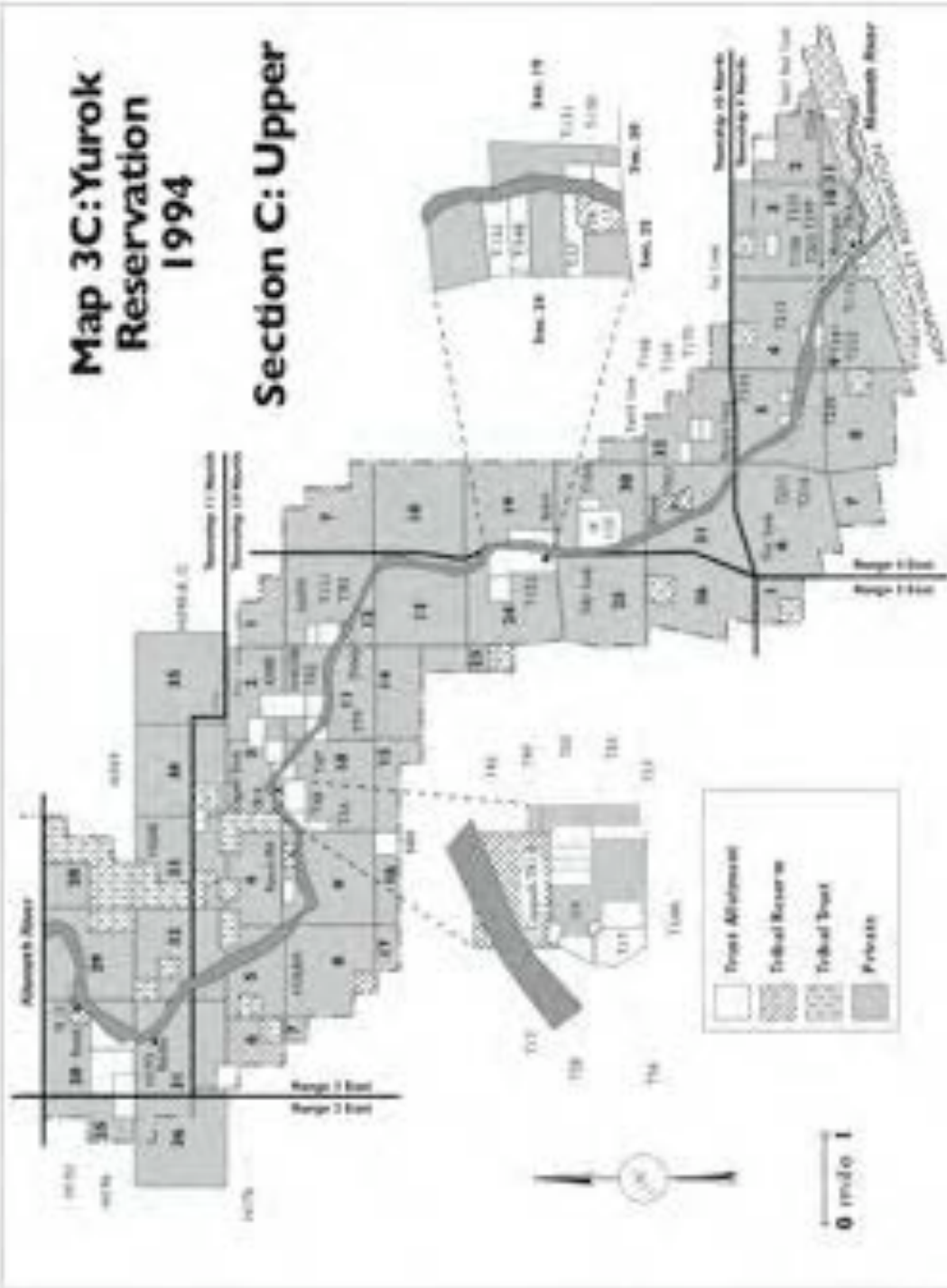
TRUST ALLOTMENTS

On the former Klamath River Reservation	222	KRR
On the Connecting Strip above 20 mile line	259	

[KRR=on the former Klamath River Reservation below 20 mile line.]

Map 3C: Yurok Reservation 1994

Section C: Upper



Paul Havers & Lynn Hastingham 1994

MAP SEGMENT 3C--1994 ACREAGE TABLE

TRUST LAND

<u>TOWNSHIP & RANGE</u>	<u>GENERAL AREA</u>	<u>ACRES</u>
Sec 29, T11N, R3E	Ryerson's	25
Sec 32, T11N, R3E	Ryerson's Airstrip	80 *
Sec 28 & 29, T11N, R3E	Upper Capell Unit--14 parcels of 40 acs.	560 **
Sec 3 & 4, T10N, R3E	Lower Capell Unit--5 parcels of 40 acs	200
Sec 4 & 5, T10N, R3E	Notchko Village	160 ***
Sec 5 & 6, T10N, R3E	Hancorne Road	80
Sec 8, T10N, R3E	Johnson Road	40
Sec 23, T10N, R3E	Roach Creek	40
Sec 36, T10N, R3E	Tully Creek	40
Sec 1, T9N, R3E	Bald Hill Road	40
Sec 4, T9N, R3E	Hank Alameda Ranch	40
Sec 3, T9N, R4E	Frank Gist Ranch	40
Sec 8, T9N, R4E	Below Bloody Camp	40
Sec 9,10,11, T9N, R4E	Weitchpec Overlap	782 ****
Sec 10, T9NR, R4E	Weitchpec Bar Mine	20
TOTAL		2,187

*Trust land within this 80 acres may be only 30 acres.

(Survey overlap between T10N and T11N).

**Trust land within this 560 acres may be 520 acres.

(Survey overlap between T10N and T11N).

***Trust land within this 160 acres may be 80 acres.

(Survey overlap between T10N and T11N).

****Acreage within the Weitchpec Area was estimated from the map.

(Survey overlap between Haughn and Pierson lines.)

TRIBAL RESERVE

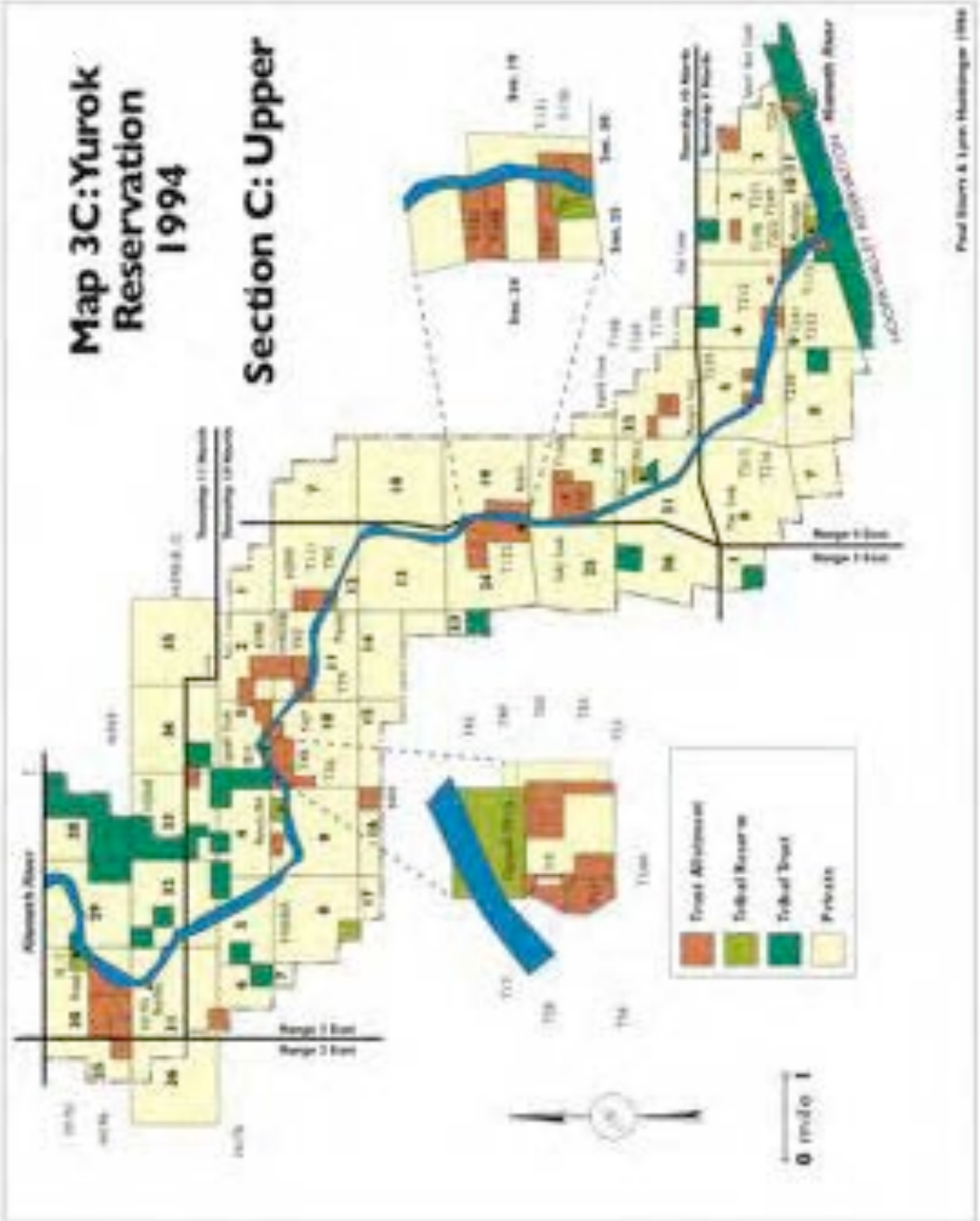
	<u>TOWNSHIP & RANGE</u>	<u>GENERAL AREA</u>	<u>ACRES</u>
TR-4	Sec 9, T10N, R3E	Moreck Village (Capell Creek)	21
TR-5	Sec 12, T10N, R3E	Mareep Village (Coon Creek)	20
TR-12	Sec 30, T11N, R3E	Mettah Village (Ryerson's)	35
TR-13	Sec 31, T10N, R3E	Warsick Village (Martins Ferry)	15
TR-14	Sec 3, T10N, R3E	Capell Village (Capell Creek)	26
TR-16	Sec 10, T10N, R4E	Weitchpec Village (Weitchpec)	21
TR-17	Sec 10, T10N, R3E	Kanick Village (Tully Creek)	15

TOTAL 154

TRUST ALLOTMENTS On the Connecting Strip 1,246

Map 3C: Yurok Reservation 1994

Section C: Upper



1994 TRUST ACREAGE SUMMARY - MAP SEGMENTS 3A, 3B, & 3C (in acres)

	<u>Segment A</u>	<u>Segment B</u>	<u>Segment C</u>	<u>Total</u>
<u>SURFACE & MINERAL RIGHTS</u>				
H Allotments	171.27	390.96	539.47	1,101.70
T Allotments	0.00	90.00	557.40	647.40
S Allotments	16.61	0.00	0.00	16.61
Indian Homesteads	0.00	0.00	148.99	148.99
Sub-Total	187.88	480.96	1,245.86	1,914.70
<u>TRUST LAND</u>	385.00	821.00	2,187.00	3,393.00
<u>TRIBAL RESERVE</u>	48.80	147.01	153.92	349.73
Sub-Total	433.80	968.01	2,340.92	3,742.73
TOTAL TRUST LAND	621.68	1,448.97	3,586.78	5,657.43
<u>MINERAL RIGHTS ONLY</u>				
H Allotments	54.84	588.12	348.00	990.96
T Allotments	0.00	0.00	1,135.22	1,135.22
S Allotments	0.00	0.00	0.00	0.00
Sub-Total	54.84	588.12	1,483.22	2,126.18

Chapter 4: Management of an Allotted Forest

The Yurok forest is highly fragmented because the vast majority of the reservation along the Klamath was allotted or returned to the public domain and sold (Chapter 3). Trust properties are difficult to locate and access is limited. Management of allotment properties is recognized to be a problem nationwide (IFMAT, 1993). In addition, until recently the Yurok tribe had no legally recognized tribal organization to represent tribal interests in trust lands.

Reconstructing past forestry activities on all these scattered properties, a necessary prelude to forest management planning, is difficult. Until 1989, following the Hoopa-Yurok Settlement Act, forestry activities were managed from the Hoopa Valley. Forest management along the Klamath was usually treated as secondary to the development of the Hoopa Valley forest. As a result, forest management activities on the Yurok forest are not consistently documented. The records that exist are difficult to find or interpret. This chapter summarizes and explains parcel by parcel histories developed as part of this forest history from site visits, interviews, aerial photos, and BIA documentation, and discusses current management issues on the Yurok Forest. The parcel histories themselves, and a computerized database, are presented in a supplement to this volume¹⁸.

Allotment harvest histories are summarized in Maps 4A, 4B, and 4C accompanying this chapter. There are three types of lands studied and mapped on the reservation as part of this project:

Tribal Trust: Lands held in trust by the U.S. government for the tribe.

Trust Allotments: Lands held in trust by the U.S. government for a specific individual, awarded as a result of the Allotment Act of 1887 and amendments.

Tribal Reserve: Tribal Trust lands of special significance. Often these have ceremonial or historic interest. At Yurok they are usually villages that were set aside for tribal use as part of the allotment process.

¹⁸The public release of site-specific cultural information has become controversial, therefore the specific information about each allotment is presented in a supplement accompanying this volume.

Most of the private lands on the reservation are trust lands that have been “fee-patented” or sold, and are not included in the database or maps. Although they are within the bounds of the reservation, they are no longer held in trust by the U.S. government and are not subject to BIA or tribal regulation or management. Most of them belong to non-Indian owners. Mineral rights to allotments are still held in trust for the families of some allottees but these properties were not studied or mapped. When they were allotted, individuals sometimes split their allotments between homesites and other parcels. In some cases only the homesite parcel remains in trust, as is apparently the case around Johnson’s and Pecwan village.

Paved road access in the reservation today coming from the south ends at Johnson’s (Wautek -- near Johnson Creek on the map). Coming from the north, it ends near allotment H-42 at Klamath Glen. The area in-between was sparsely settled even in pre-contact times, being in the dark redwood belt, so allotments were also relatively sparse in this area. It coincides with prime redwood growing country, and was sought early on by logging interests. A map circa 1935 shows large landownerships that include reservation land in this area, including “H.C. Ward” and “Sage Land and Improvement.” Some of this land is now owned by Simpson Timber (see Figure 3-1).

The maps illustrate the patchy distribution of allotment and trust lands (4A, 4B, 4C). It is easy to see that in the redwood belt, where the timber was most valuable and most accessible early in the century, few allotments remain (Section A and the upper portion of Section B). The paucity of allotments on the map harvested prior to 1960 reflects the fact that most of the lands harvested at early dates were taken out of trust (fee-patented). Some of the largest chunks of tribal trust lands are associated with surveying snafus, as at the north side of the Hoopa Valley Reservation. Clusterings of allotments near large settlements like Weitchpec, Cappell Creek, and Johnson’s/Pecwan indicate a long history of indigenous settlement and use.

Most allotted lands that have significant forest have been fully or partially harvested, and some are ready for harvest of second growth (Table 4-1; Maps 4A, 4B, 4C). Many probably do not have much potential for timber production, because they are developed for homesites, are prairie sites, or are largely river bar. Originally, allotments were granted for their agricultural potential, rather than for timber production. Some allottees claimed as much river bank as possible in order to fish. The majority of unallotted tribal trust lands have not been harvested, and appear to have some significant timber resources

(Table 4-1). Historical notations indicate that in some cases these are sites that were too steep or inaccessible to be attractive to settlers or Yurok families.

Table 4-1. Harvest History of Land in Trust Today.

Harvest Date	Acres of trust land	Acres of trust allotment land	# of allotment parcels ¹
Open areas, over-grown prairies, developed areas, cleared areas: mostly non-timber sites	248	395	43
Cut before 1942	83	28	1
Cut 1942-1960	80	272	12
Cut 1960-1980	155	615	13
Cut after 1980	100	225	9
Mostly uncut timberlands	3076	365	17

¹Parcel numbers exceed allotment numbers because some allotments are in two parcels that are managed differently. The Indian Homestead of 149 acres is also included in these statistics.

Management of the Fragmented Forest

Most problematic from the standpoint of forest management, the remaining trust properties of the Yurok Forest are not contiguous but are instead interspersed with private lands in a variety of ownerships near the river. Large tracts owned by timber companies and Forest Service lands occupy the rest of native Yurok territory (see Figure 3-1). Trust parcels are difficult for anyone to locate precisely, so trust forests have suffered from either accidental or intentional trespass over the years when neighboring lands were cut. Harvest of surrounding timber increases blowdowns and the probability of minor trespass. The records kept by BIA managers are riddled with trespass disputes and records of compensation paid, but access difficulties and forest management emphasis on the Hoopa Square allowed some loggers to succeed at stealing timber on the Yurok forest. A classic example is shown in Figure 4-1. A harvest in 1958-9 of a neighboring

allotment resulted in one edge of the allotment being harvested, because the surveyor was confused by topography. BIA records show that the trespass was detected and the harvester charged for the timber removed. At least one major fire, the “Salmon Fire of 1975” near Cappell Creek burned some tribal lands, resulting in salvage logging of the parcels. Ironically, surveying difficulties have also resulted in set-asides and the subsequent reservation of significant timber resources. At the north edge of the Hoopa Square, a re-surveying led to significant additions to tribal reserve.

Another serious issue in the management of a highly fragmented forest is rights of way. Obtaining permission to cross various landownerships to harvest timber is difficult and time consuming. An allottee correspondent from the 1950’s writes of the damage caused to timber on the allotment by the cutting of timber for a road across the property, and complains that the logger has also trespassed nearby timber. Gaining permission for allottees to cross non-trust properties for allotment harvest can be difficult and time consuming. In fact, rights of way for fishing and hunting have also been a long term problem on the forest. Once non-Indians began purchasing reservation properties, they sometimes denied Yurok people access to traditional hunting and fishing grounds.

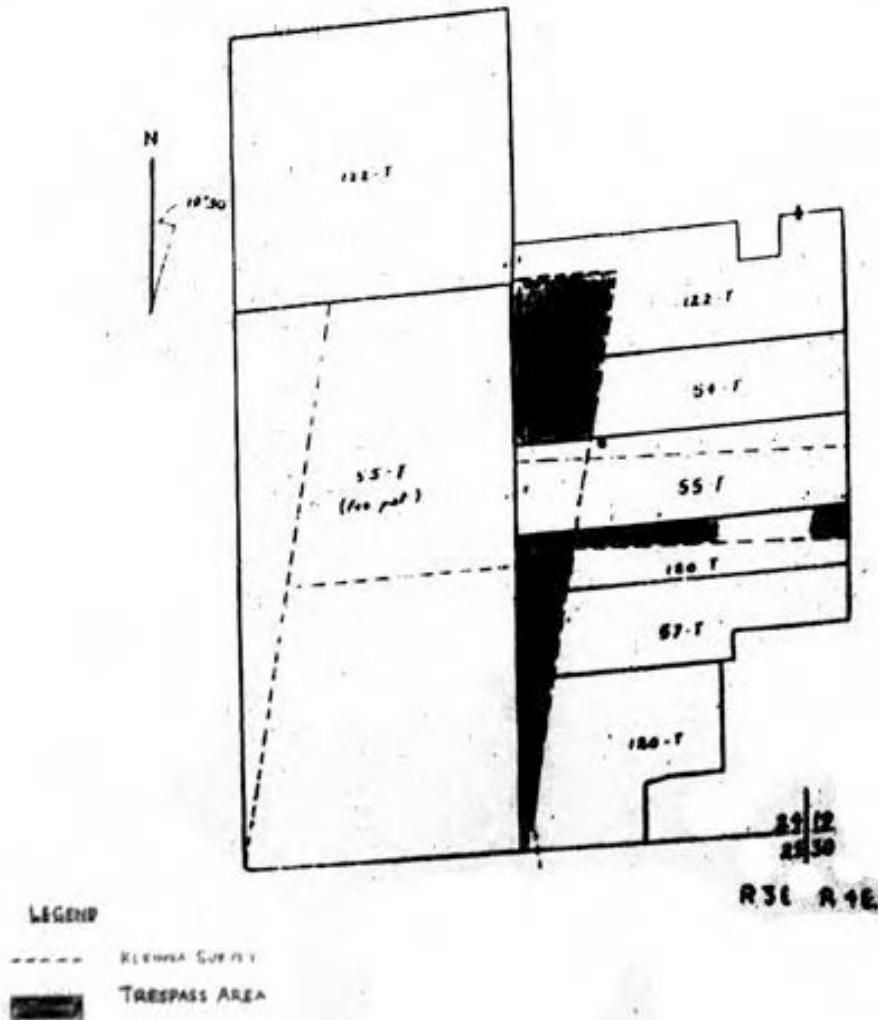
The original BIA authority for timber sales on trust allotments is found in Section 8 of the Act of June 25, 1910 (36 Stat. 857; 25 U.S.C. 406):

That the timber on any Indian allotment held under a trust or other patent containing restrictions of alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior.

The Act has been amended over the years, including stipulations that allow the BIA to take 10% of the proceeds to cover the costs of the sale (See Appendix I). But managing trust allotment timber sales is a complicated and difficult business. Permission for timber sale must be received from a majority of the trust owners, and the proceeds must be allocated to each owner in accordance with their interest in the property. Regulations generally require an advertised competitive sale, with the BIA handling the details of the sale. Allotment owners have to give the BIA Power of Attorney to handle the sale, including all advertising and contract negotiations. Designed to protect allottees from being taken advantage of, and to assure a sale at competitive prices, the fact that 51% of trust owners must agree before forestry activities can proceed, and that the agency must attempt to notify all owners, significantly slows operations. Timber sale preparation may

take 2 years or more, and if a probate is involved, it can take much longer, holding up activities for four years (IFMAT, 1993). Not surprisingly, all phases of forestry on allotments are backlogged nationwide (IFMAT, 1993).

Figure 4-1 Map of a 1958-9 Trespass Area.



Many Yurok parcels have passed through more than one generation of a family, and each new generation of children has shared the ownership of a parcel. This means that in some cases parcels have more than a hundred owners. Nationwide, out of 61,700 allotments the average number of owners is 34 (IFMAT, 1993). In addition, not all the owners or heirs may qualify for trust ownership as Indians. This means that some owners hold title to their interest in a parcel in fee, while others hold title through a trust patent.

Once less than 2% of the ownership is trust ownership, the tribe has a right to purchase the allotment at market value. Timber sale procedures are different for fee and trust owners, but all owners must agree to the fee-patenting or sale of an allotment. Prucha argues that allotment policy in fact shifted a large portion of BIA administrative effort to keeping track of and managing real estate transactions (1984).

Typically on the Yurok Reservation, one or a few members of the family still live in the area, or even on the river. They often feel that they should be able to make the decision to harvest timber, and get most if not all of the proceeds. The BIA's responsibility to verify title, contact the owners and get needed permissions and powers of attorney, and appraise and advertise the sale can take years. Frustration fosters trespass harvest by the local members of the family who may be desperate for money. Fee-patenting, or taking the land out of trust, enables the owners to act freely — however with so many owners coordination is difficult and this no doubt encourages sale of the property to simply split the proceeds. Fee-patenting also makes the owners responsible for property taxes, a situation which has resulted in loss of Indian lands throughout the West.

BIA management costs on allotments are much higher than those on tribal forests because of the small size of allotments, their fractionated ownership, and the need to account individually for each owner's returns (IFMAT 1993). Separate sale offerings must be made for each allotment, separate scaling records kept, and separate checks issued to each owner. Timber sale preparation costs on allotments can be as much as twice those on tribal forests (IFMAT 1993). A national assessment recently reported that there is some question as to whether allottees receive service from the BIA comparable to that provided to tribes (IFMAT, 1993). On a national level, BIA spends less time on allotment management although they are more difficult to manage, and a disproportionate share of Indian lands without trespass or pest protection are on allotments (IFMAT, 1993).

The situation on one allotment illustrates these difficulties. A member of the family owning the allotment lives in a trailer on the allotment near the river. The family did a major harvest on the property in the late eighties, harvesting all but a buffer strip, and two years later a selection cut was carried out in the buffer. But the resident individual has been apprehended several times over the years carrying out trespass harvest on the property. BIA records show that one trespass involved the removal of about 50 MBM of redwood. Boards were being made on the site. A homesite and roads, and erosion, are visible in aerial photos following the illegal harvest. Another recent trespass case

involved the illegal removal of madrone burls. One member of the family sold the wood illegally, against the wishes of the other members of the family and without a BIA permit. The Bureau expends considerable time and money attempting to prevent trespass and adjudicating trespass cases.

When a BIA forester detects a trespass, he or she must stop the harvest, assess the value of the wood cut, and see that each of the owners receives their fair share of the harvest value. From the point of view of the forest manager the rights of all the owners of the parcel must be protected as required by the BIA's trust responsibilities. The trust responsibility also means that the harvest should be done as prescribed by contemporary forest management principles — now generally referred to as “ecosystem management.” From the point of view of many resident Yurok, the right to decide when to harvest the timber and how to use the proceeds should belong to the person who depends on it and lives there. Individuals often also are not eager to share the proceeds with co-owners, many of whom may live far from the reservation. In some cases, co-owners simply do not agree on how the allotment should be managed.

Local residents often expressed frustration with BIA forest management. One Indian logger expressed his concern with past abuses, including weak protection of trust timber from trespass as well as poor logging by the allottees themselves. Shady land dealing, and a lack of ability to handle timber sales in a timely fashion were also mentioned. He stated that one BIA Area Director in the 50's wanted people to sell the land and timber together because he “didn't have the staff to go down and scale the timber.” At the same time, most people felt that the situation improved in the 1960's, and that establishment of a local forestry office at Klamath in 1989 has further improved supervision and management of activities on the lower Klamath.

Bureau records and correspondence about the sale of timber from allotments illuminates the issues and complications involved in the history of forest management on the Yurok allotments. These can be summarized as follows:

1. Problems in establishing title and fractionated ownership

The continual division of allotment ownerships over time means that each parcel may have a large number of owners, some in fee and some in trust.

Sometimes the various owners disagree with each other over allotment management.

2. Confusion about BIA trust responsibility to all heirs.

Many people do not understand the BIA's trust responsibility to obtain permission from and share proceeds among allotment owners. Sometimes they do not think it is fair to share proceeds with off-reservation heirs.

3. Frustration with the slow and confusing BIA timber sale process — sometimes leading to trespass.

People are suspicious of the BIA timber sale process. Some believe that in the past Yurok people were tricked into selling land with timber, that moneys were being inappropriately allocated, and that sales were below value.

Allottees sometimes want to sell timber directly to someone they have chosen, or preferentially to an Indian logger.

4. Until 1989, the closest forester was located at Hoopa, and in general knowledge of and access to the Yurok forest was limited.

Forest management focused on the Hoopa Square

5. The disjunct world views of the BIA and the Yurok.

For example, in past correspondence, an allottee barely capable of writing English might receive a letter packed with bureaucratic jargon and quoted statutes.

Government agencies want an organized leadership to work with. The Yurok had no organized tribal government to represent them until recently, and did not want such a government.

6. Forest management policy, for example emphasis on maximal timber growth and fire suppression, may be contrary to Yurok cultural and spiritual needs.

Conclusions

Misunderstandings and the delays needed to implement the BIA's trust responsibilities are a problem for management of allotted forests nationwide (IFMAT, 1993). Frustration with this slow and convoluted process continues to result in intentional trespass. In addition, the increasing fragmentation of landownership and difficult surveying conditions cause accidental trespass. Lack of coordination or shared objectives among widely scattered heirs also continues to cause problems for BIA management of allotted lands.

As part of the Indian Forest Management Assessment process, questionnaires were administered to several tribes nationwide and to BIA forest employees:

The questionnaires identified a considerable gap between what Indians say they want from their forests and how these forests have been managed. Tribal members consistently expressed their desire to protect forest resources above all else, as well as a strong concern for the aesthetic and cultural values of the forest. BIA forestry employees place relatively less emphasis on these values and more on economic benefits from the forest including timber production. Non-Indian BIA forestry employees especially feel this way. It was concern for a healthy, beautiful, and sustainable forest that was most often expressed by Indian people responding to the questionnaire (IFMAT, 1993).

Yurok cultural and spiritual values of the forest have often been neglected. Future forest management will need the full participation of the tribe, in setting objectives as well as implementation.

An impending issue for the Yurok tribe will be how to integrate management of the Yurok Forest into management of the Klamath watershed. In many areas, tribal trust lands are quite noticeable as the only remaining tall timber (Figure 4-2). This may cause them to be areas of focus for wildlife habitat protection under the Endangered Species Act, limiting the management options for these forest areas. Should the tribe decide that they do want to manage some or all of this timber for commercial forestry, it probably will be difficult for them to understand why they might not be able to carry out harvests in areas where everyone else has cut their timber.

Introduction to the Allotment by Allotment Histories

A history has been compiled for each trust allotment and all unallotted tribal reserve and trust lands. The allotment by allotment history was derived from a combination of sources. The most crucial were BIA records, including maps of property ownership and records of timber harvest, all of which were reviewed. Interviews with the current forest manager, Gordon Karnes, and a previous forest manager, Fred Chase, were used to supplement the written records. The written records of timber harvest are somewhat sporadic and convey varying types of information. BIA aerial photos going back to the 50's were used to detect harvests not noted in the records. Most of the lands designated as uncut were reviewed in this way. Waterman's extensive and detailed geography of the Yurok reservation (1920) was used to report potential cultural and historical significance

of allotments. Many of the allotments were visited by road or river. Information compiled as part of a 1993 wildlife survey of several trust properties was also incorporated (LaValley, 1993). The sources used are listed for each allotment.

Allotment and parcel histories are organized by map section, of which there are three, "A," "B," and "C." Section A runs from the mouth of the Klamath River to the Humboldt County line, and was included in the original Klamath River Reservation (Map 4A). Map Section B begins at the Humboldt County line and is split by the "20 mile line" that marked the end of the Klamath River Reservation and the beginning of the "Connecting Strip" (see Chapters 1 and 3) (Map 4B). Section B ends about midway between Pecwan and Cappell. Section C follows the Klamath to the border of the Hoopa Valley Reservation at Weitchpec (Map 4C).

The histories are in database form, as illustrated by the first entry:

H -1
SPOT, CAPTAIN
Known harvest date(s):1981
Acres: 10
Map Section A
Location: REQUA HILL

Observations: Trespass of a few trees in the area in 1981 and perhaps more recently; Mostly prairie and regrown prairie with houses, homesites. Allotted 1893.

Historic Notes: "Years ago, a ship put into Requa. The Indians overheard the men from the ship refer to their leader as Captain Scott. Not to be outdone, the Indians said they had a Captain Spott, and he was called that for his entire 90 year life." He is buried at Requa. He was a leader, with the principal ocean-going canoe (Warburton and Endert, 1966). Waterman, pg. 231: "Requa was the largest of the towns at the mouth of the river, containing originally 25 houses or more. It occupies a most inappropriate location on a steeply sloping hillside, drawing its water from an isolated spring that drains down a small watercourse. Important ceremonially, as one of the places where the Jumping Dance was held. A sacred house was there where they danced." At the time of Waterman's visit in 1909, the old house had been built over with planks from the sawmill. A turn-of-the-century photo of Requa Hill shows Captain Spott's home and smokehouse in an open hilltop above the rocks called Oregos (Del Norte Historical Society; reproduced in this history). The hill has a few more trees today. Waterman thought that Requa was the largest town in Yurok territory; he also thought that the mouth of the Klamath had the greatest

concentration of Yurok. There used to be a salmon cannery at Requa. When Waterman visited, in 1909, most of the Indians were living in European structures, but some of the old structures were present. Waterman plate 4 has a picture of the old sacred house before it was rebuilt.

Sources: KARNES/CHASE/VISIT

Keywords: TRESPASS/PRAIRIE

The first field, "Allotment name," is the name of the original allottee or the type of unallotted property--trust or tribal reserve. Some allottee names, particularly as you get down toward Weitchpec, are characterized by last names that are more familiar as first names, such as Weitchpec Jack or Cappell Bob. The Yurok way of naming people is complicated, but to put it simply they traditionally took the names of places, houses, or villages as part of their own names, and when settlers gave Yurok contacts first names, this was often appended to the name of the village:

Among the Yurok there exists a custom... of substituting for personal names terms which are essentially place names, or descriptive expressions based on place names. Personal names are applied only to children (Waterman, 1920).

A subsequent generation or a spouse took the second name of say "Cappell Bob," T-52, as a last name, hence names like "Rosa Bob," T-53. Two schoolteachers working along the Klamath in 1908-9 wrote:

The miners called the Indians they worked with by familiar white names, Tom, Henry, or Joe. When the sons of these Indians grew up, they became Jim Tom, Pete Henry, and Little Joe. (Arnold and Reed, 1937)

The allotment numbers on the maps and printout correspond with the field for "schedule" and "number" for each allotment history. There are several schedules on the Yurok Forest. As described in Chapter 3, there are the Hill, "H," Turpin, "T," and Sacramento "S," Schedules. The Indian Homestead is designated with an "IH." There are other designations for unallotted trust properties. The properties recently returned to trust from the Forest Service are designated by "USFS." Other properties recently returned to trust have the designation "G." Tribal Reserves are designated "TR." and tribal trust properties are simply called "TRUST." All the properties except for unallotted trust lands have a number that corresponds to a location on the maps (Maps 4A, 4B, 4C.) Unallotted trust lands must be located using the township, section, and range given in the field "Description".



Figure 4-2. Upper: Klamath Glen in 1993, looking toward Scaath Village. Note second-growth redwood on the flat and patchwork of forest on the slopes.

Lower: Near Martin's Ferry. Note the uncut tribal trust property on the right-hand slope of the ridge in the background. Allotments were located to the best of the ability of the current forest manager, but in some cases, particularly with the cultural and ethnographic information, the exact correlation between a site mapped by Waterman (1920) and a particular allotment could not be determined. Cultural and ethnographic information of **potential** relevance was included with each history, presuming that a more thorough inventory would be conducted prior to any harvest.

Next is provided the map section, “A,” “B,” or “C” (Maps 4A, 4B, 4C). The following field is an approximate location for the allotment or property, usually defined by the nearest creek. Any known harvest dates are presented in the next field, including dates of known trespass or salvage logging. “Observations” is descriptive information gathered from records, aerial photos, and site visits, and includes the date the allotment was granted. “Sources” tells where the information came from. The entries under “Historic Notes” are derived from historical and ethnographic sources, noted in the text. The “keywords” allow sorting, and are a general classification of the site. Potential classifications include the following:

Developed: a homesite or developed campground or other facility.

Prairie: an open area, may have once been used for grazing, farming, or gathering.

Regrown Prairie/Regrowth: appears to be an open area that is being reclaimed by pioneer tree species or shrubs. Many areas cleared for cultivation in the early decades of the century, or traditionally kept clear for gathering and hunting, have been reclaimed by forest.

Trespass: trespass harvests are known to have occurred.

Salvage: both flood and fire salvage cuts have taken place.

For example, the first entry is for the allottee Captain Spott (sic), H-1, generally believed to be among the first Yurok contacted by white settlers (Figure 4-3). He was a Yurok leader who owned the principal ocean-going canoe around the turn of the century. Captain Spott and some of his relatives chose allotments next to each other on Requa Hill. He is buried at Requa, originally the largest village at the mouth of the Klamath. The allotment today looks mostly open, perhaps formerly cultivated or grazed. Paired photos of this site (Figure 4-4) show how little trace of turn of the century Requa village remains today.

Captain Spott’s nephew, Robert Spott, was a collaborator of Kroeber’s and co-authored *Yurok Narratives* (1942) with him. Captain Spott’s paternal history is told in the narratives, while the story of his marriage is told in *Yurok Myths* (1976). According to Kroeber, he was *atalh*, a member of what Thompson (1966) describes as the highest, most educated Yurok society. He was “one who tallies and distributes dance regalia, and an assistant to the formulist for the First Salmon Medicine” (Kroeber, 1976).



Figure 4-3. Captain Spott of Requa

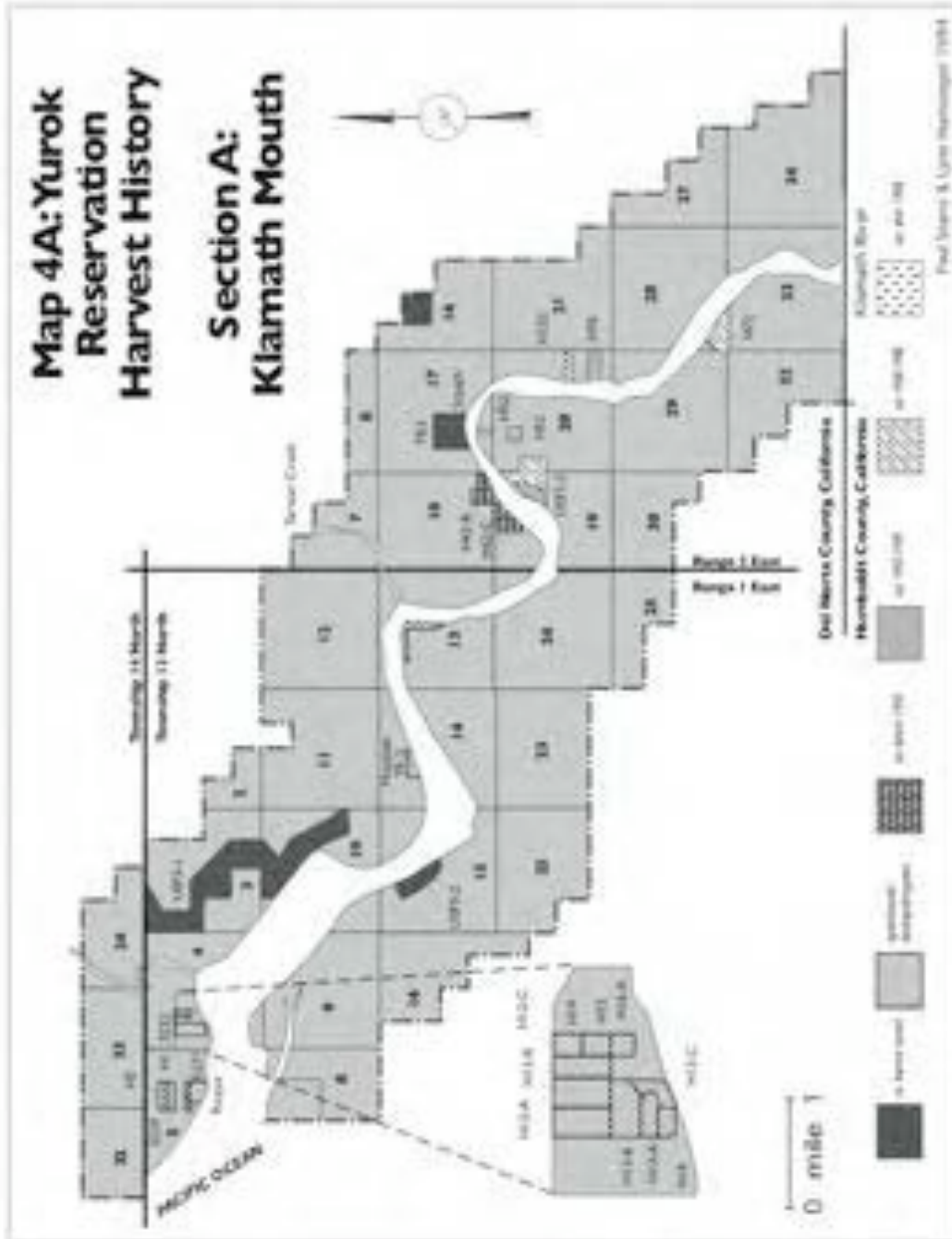


Figure 4-4. Paired Photos of Requa_

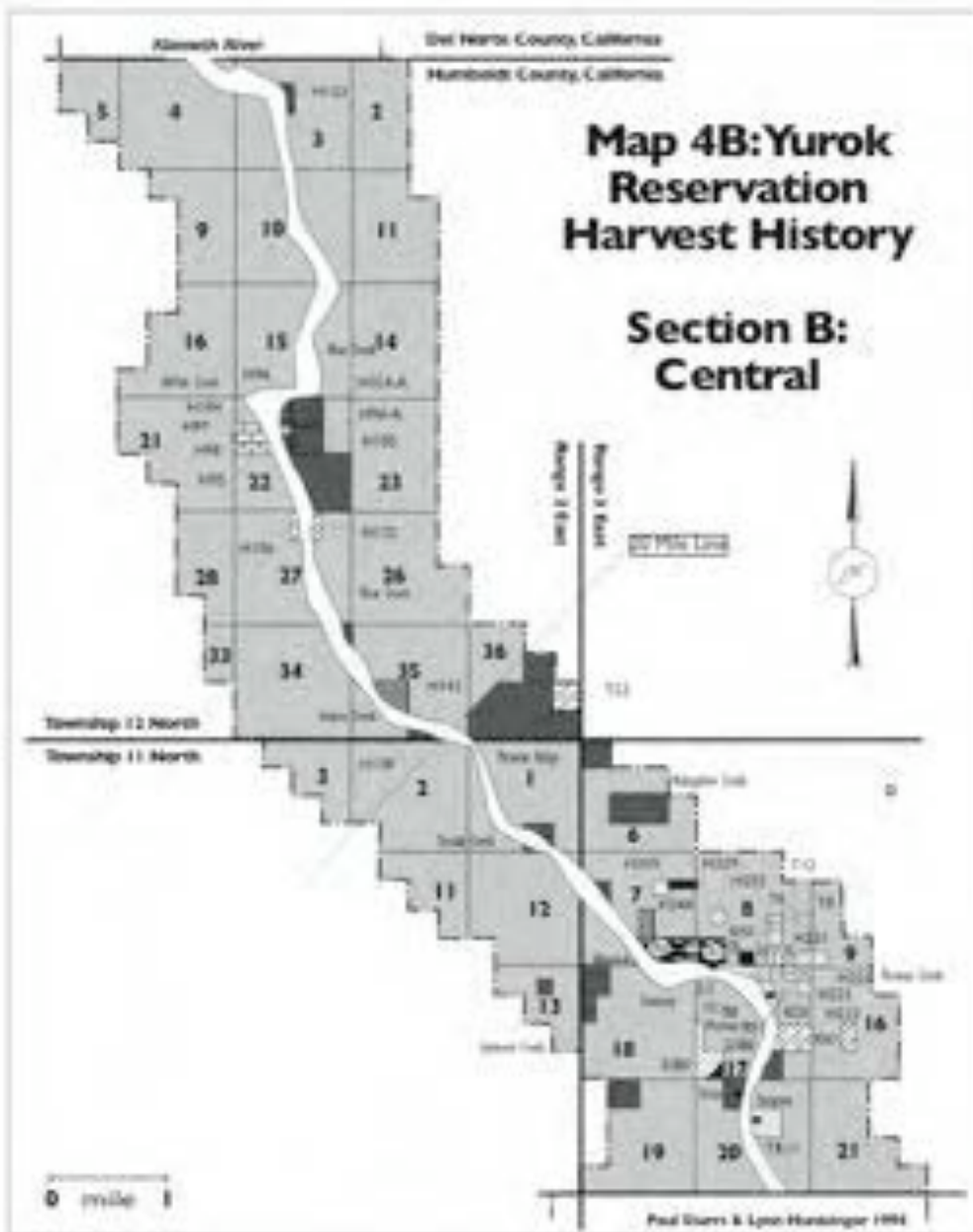
Upper: Mary Ann Frank, Alice Spott Taylor's mother, with a basket of wood on the trail coming from Oregos near Requa. In the left background is Captain Spott's house and smokehouse.

Lower: Same area in 1994.

Maps 4A-4B-4C. Harvest history.



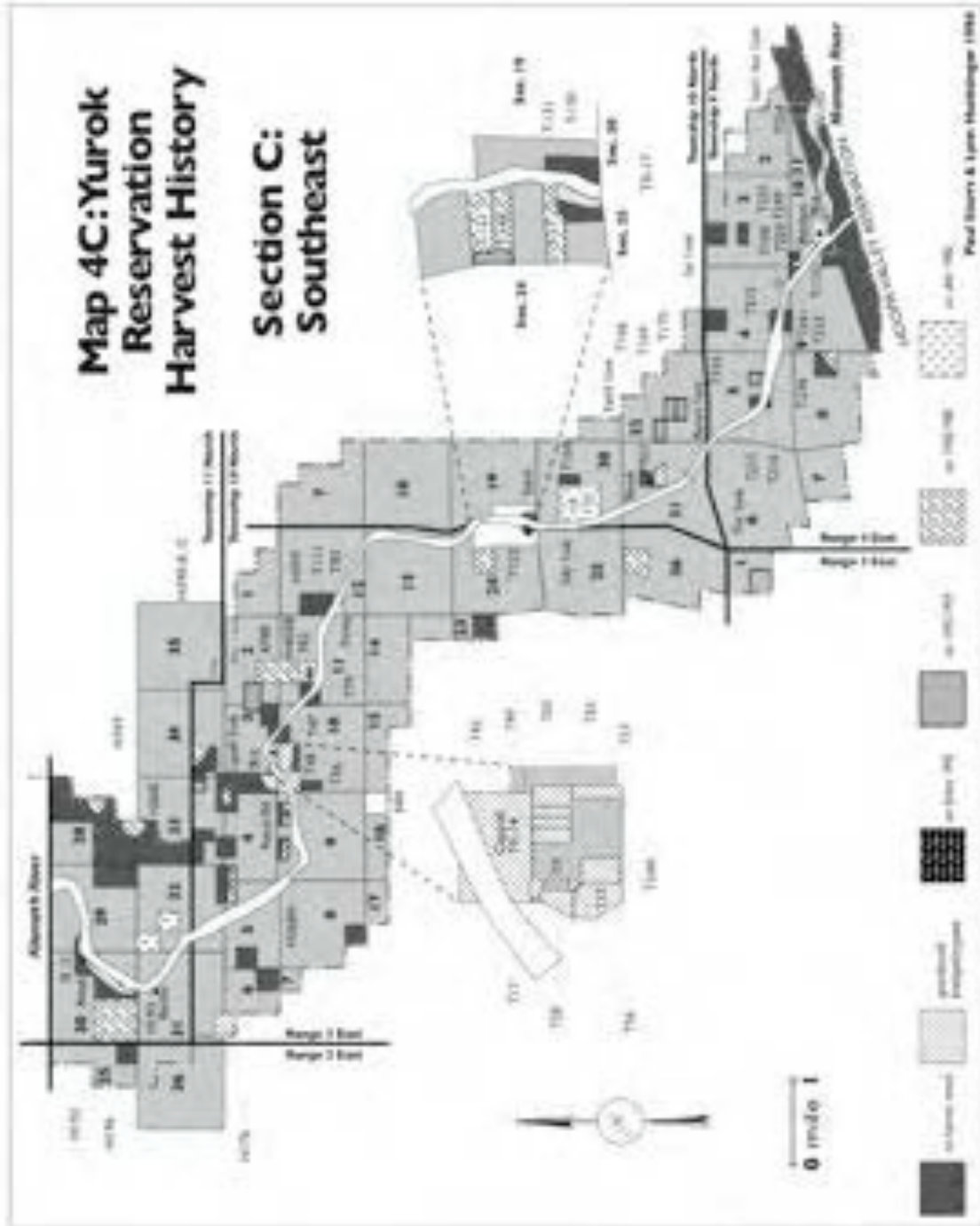
Yurok Forest History: Chapter 4 -- pg. 11



Yurok Forest History: Chapter 4 -- pg. 14

Map 4C: Yurok Reservation Harvest History

Section C: Southeast



Chapter 5: Conclusions

The history of the Yurok forest has been shaped by the greed and neglect of the outside world. The gold hunger, land hunger, and timber hunger of American settlers and entrepreneurs have practically devoured the Yurok lands. Home to an unrecognized tribe, fragmented by allotment and largely inaccessible, for most of this century the Yurok forest was managed secondarily to the Hoopa Valley by the BIA. The forest has been changed by fire suppression policy, timber harvest, and federal forestry practices. The people of the Yurok tribe have been scattered as a result of flood, loss of natural food resources, federal Indian policy, and economic conditions, but most of them still have ties to the reservation and their culture. The Yurok culture and forest are inseparable. The Yurok tribe, now officially recognized by the U.S. government, faces self-determination with a land and resource base that has been severely depleted since Euro-Americans first entered the watershed in the nineteenth century. It is time that the Yurok people have the opportunity to reconstruct their forest and revitalize their culture in the way they see fit.

Fortunately, the Yurok have significant financial resources as a result of the Hoopa-Yurok Settlement Act of 1988, a land base within their home territory, and some timber resources. An important priority should be to stabilize, enlarge, and consolidate the land base under tribal management. Encouraging the return of allotments to tribal trust should be a goal, with consideration of land swaps to create more consolidated holdings. Acquisition targets might not be based on the goal of commercial timber production: the tribe might wish to acquire spiritual or ceremonial sites, fishing areas, and hunting spots.

A second major effort should be to find ways to work with other landowners in the Yurok indigenous territory to influence management practices. Significant progress has been made working with the Six Rivers National Forest in implementing burning and other management practices that enhance gathered materials. One issue likely to become more serious over the next decades is conflicts with other types of user groups on the public forests: mushroom collection is on the upswing, as is gathering of plant materials for floral arrangements and other types of expensive novelties. These uses may limit or compete with tribal access to culturally significant resources.

Management practices on private forests in the watershed are also of concern to the tribe. Effort should be made to find ways of working with these property owners to discourage application of chemicals and other management practices that the tribe finds

unacceptable. The spraying of herbicides and pesticides is seen as a threat to the health and welfare of gatherers and residents, and has already affected culturally significant activities. Access to reservation lands for hunting, fishing, and gathering should be a goal of negotiation with watershed landowners.

Transition to Self-Determination under the Indian Self Determination and Education Assistance Act

More important than a list of objectives prescribed here is delineation of some parameters for natural resource management under self-determination. What should the role of the BIA be in the transition from federal to tribal management of the Yurok forest? The underlying assumption has long been that the goal should be to “teach” the tribe or Indian peoples what kinds of practices are sustainable. The results have been meager. Researchers into rural development programs are coming to realize that what is more important is ensuring that the community, or in this case the tribe, has a workable institutional system for receiving the benefits of their own management of natural resources (Murphree, 1993). The BIA can help to establish a policy or institutional framework that will facilitate a direct connection between management of natural resources and tribal needs as determined by the tribe itself, one that will ensure that conscientious management result in benefits to the Yurok people.

Tribal management of the reservation is in many respects analogous to community-based management of common natural resources, as it has been observed and researched worldwide. A fundamental conclusion that has been drawn time and time again is that community-based natural resource management depends on the whole-hearted participation and support of community members. Applied to the Yurok Reservation, it is stunningly obvious that Yurok people who live on the reservation are the people who can protect the forest from trespass harvest, unauthorized collection of plant materials, poaching, over-fishing, and abuse. They know the country, and they are present much of the time. The challenge facing the tribe is to generate the greatest and broadest support possible for natural resource management initiatives on the reservation.

Study of community-based natural resource management systems highlights some of the characteristics of systems that function to manage natural resources sustainably. The following is a discussion of five principles for management of tribal resources adapted from generalized principles for community-based resource management developed by Murphree (1993). Some of these principles and recommendations may be beyond the

scope of the Indian Self-Determination Act, or unsuitable to the particular situation, but their careful consideration is likely to result in more successful management of Yurok natural resources:

- *The values the forest is managed for must be those of the tribe.*

The spectrum of values for tribal members includes spiritual, cultural, and economic benefits, and these must be directly represented in any sort of decision-making process for forest management. Yurok who live on the reservation can protect it, as can those who work there or visit. It is critical that the broadest possible proportion of Yurok people believe that the forest is being managed to meet their needs, and that by protecting the forest they are protecting their own interests as well as those of the tribe. A policy goal should be to minimize local dissatisfaction with management of tribal natural resources, and to maximize opportunities to provide the benefits of good management to those living among the resources to be protected, as well as to other members of the tribe.

It is important that the tribe consider who or what groups will benefit most from each management decision. For example, do some groups or genders benefit more from timber production than others? Who would benefit most from an emphasis on basketry? The goals and objectives for Yurok natural resources can effect the relative wealth and influence of different groups within the tribe. Whatever framework for natural resources management decision making is adopted, it should enable the tribe to address these issues.

- *There must be a positive correlation between quality of management and magnitude of benefit.*

Good management decisions should result in easily apparent benefits to the community, be they economic, spiritual, or cultural. Members of the tribe should be aware of a direct connection between the tribe's management decisions and quality of life. Some benefits will have a delayed payoff--it may take a while for the forest to become what the tribe envisions. In these cases in particular information and education will play a role, so that Yurok people understand why certain actions are taken. If the long term goal is one that Yurok people have set and support, if they understand the steps needed to achieve the goal, and if they are confident that they will share in the benefits, then the likelihood that they will contribute increases.

- *No part of the tribe should bear a disproportionate share of the costs of sustaining and managing natural resources.*

The tribe should decide how the benefits of management are distributed. Ideally, benefits should be distributed so that those who have contributed more to good management -- even if that is just protecting the forest near where they live for wildlife habitat -- get benefits that compensate them for not individually exploiting local resources. Policy should ensure that benefit is related to input. For example, if an allottee family decides to return land to tribal trust, the allottee should be rewarded. Options to reward such families might include money to compensate for lost harvest opportunity, some sort of tribal honors, increased authority, or a limited form of continued authority or relationship with the returned land.

The question should continually be asked, “whose values are being protected and who is paying the price for that protection?” The system will function best when there is a clear connection between input and benefit.

- *The tribe should have complete authority over how the land is used and managed.*

The tribe should have the right to decide whether to use the resources at all, how to determine the mode extent of their use, and the right to benefit fully from their use in the way they choose. Proprietorship, “who decides,” cannot be separated from production, management, and benefit, and is a fundamental component in a community-based resource regime. The tribe should be able to include or exclude others as they see fit. This requires the relinquishment of considerable authority on the part of the federal government, but it is not greater than the relinquishment of authority when land is made private. The federal framework of policy and regulation, including NEPA, still applies. Outside influence should whenever possible be confined to coordinating functions and regulation.

- *Yurok people living on the reservation or nearby should have a major role in reservation natural resource management decisions and ties to off-reservation members should be strengthened.*

A community-based resource management regime is enhanced if it is local enough for all members to be in occasional face to face contact and to enforce conformity to rules through peer pressure, and if the membership has a long-standing collective identity. Yurok people living on or near the reservation are more likely to have

regular contact with each other and to be subject to peer pressure. Those who participate in tribal events, who visit regularly, or who have close family ties with reservation residents will also be affected by peer pressure to some extent. The Yurok have a collective identity in the tribe, but that identity can be strengthened and revitalized. Those who live off of the reservation should be encouraged to visit and participate in tribal activities. It is important that those who live off the reservation not have wildly divergent views of how the tribe's natural resources should be managed. Further, reservation residents should not bear a disproportionate share of the costs of management of natural resources through decisions that make on-reservation life more difficult.

The spirit of the BIA trust role in natural resources management on the Yurok Reservation to date seems to have lain in assuring fair distribution of profits from resource management on trust land to those with a legally-recognized right to such benefits. In the past, the BIA has determined who is an "insider" in resource management decisions. In the future, allocation of benefits and decision-making processes should ideally be determined by the tribe alone.

The Yurok Landscape

Forestry cannot be handled separately from the management of other natural resources on the Yurok forest, or from the relations among members of the tribe and between the tribe and the outside world. Unfortunately, the BIA still has institutionalized vestiges of a public forest management system that separates professional forestry from management of a landscape, cultural values, and social relations (Fortmann and Fairfax, 1989). This implicit bias must be recognized and corrected as the Yurok take over the management of their lands. The tribe and the BIA should not let the *forest* be obscured by the trees. The strong connection between the forest landscape and Yurok culture and traditions demands the leadership of those who can speak to the cultural and spiritual interests of the tribe as well as their economic interests in management of the forest. Goals and objectives for the forest should not be assumed on the basis of forestry profession paradigms but negotiated by the members of the tribe to assure that benefits accrue that will contribute to cultural and economic community well-being. The tribe will want to make sure that some groups or individuals in the tribe are not excluded from the benefits of good management. Looking at the situation from the opposite direction, social programs that

increase tribal unity and bring people in more regular contact with one another will ultimately result in better natural resource management on the reservation.

Future forest management must consider the type of landscape, the mosaic of vegetation types, and the practices that will meet the needs of the tribe, be it for cash income, basketry materials, wildlife habitat, fisheries, recreation, spiritual values, or some combination of uses and values. As so much of the important information is appropriately not in the public domain, a management infrastructure that includes tribal members knowledgeable about these uses, and excludes non-Yurok as the tribe sees fit, is essential. The Yurok originally placed high value on oak woodland and prairies, and these were the areas of most intense Yurok settlement and food gathering. Burning was a part of tribal management of the landscape. The tribe may wish to restore these kinds of conditions and practices on at least part of the forest.

When the benefits of good management accrue directly to those residing near or among an area's natural resources, when managers are responsible to their friends and neighbors, management and natural resource conditions have been shown to improve (Murphree, 1993). In the case of the Yurok, this local control and management of natural resources would take place within the framework of federal environmental law, including the Endangered Species Act and NEPA. But here too, caution is in order. For example, in some ways, application of the Endangered Species Act in the Klamath watershed may run contrary to the principles outlined for community management if we step back and consider the reservation or watershed as a whole. For example, Yurok trust lands have in many cases not been harvested, while most of the surrounding private and allotted lands on the reservation have been. If it is determined that some Yurok tribal trust lands, because they harbor endangered species, cannot be used for commercial forestry, it will mean that the Yurok Tribe will be asked to bear a disproportionate share of the cost of protecting endangered species in the watershed, largely for the benefit of people who live far from the reservation. Unless the tribe is compensated in some way, it seems obvious that this kind of policy might lead to resentments that run contrary to the goal of the Act. The Yurok have already been victimized by a long series of well-meaning but misguided resource management policies promulgated from without. Disproportionate distribution of costs should be avoided both within the tribe and throughout the watershed.

Thinking about the future of the Yurok forest demands rethinking the notion of "Indian Reservation." Reservations were originally established as places to stash people who were considered dangerous and in the way of "progress." Gradually the attitude shifted

to thinking of them more as a refuge to protect a less civilized people, a place to “bring them up” through a trust relationship with the Federal Government. This has led to repeated policy efforts to “kick the dependees out of the nest,” initiatives that only resulted in the increased impoverishment of Indian people. What is a reservation today? Perhaps it is a cultural resource, a center for the continuance of culture and belief. Recognizing that culture is dynamic, and that reservations are not places where any time slice is to be preserved in some sort of federal fixative (the National Parks have already made that mistake), the reservation should be a crucible where a people can participate in the evolution of their culture, as part of the many that make up the United States. Indian culture is inseparable from the landscape; the reservation landscape is like a billboard telling us the condition of Yurok society. There is work to be done.

APPENDIX I:

FEDERAL POLICY RELATED TO THE YUOK FOREST

There are many acts of Congress and Executive Orders that pertain to Indian forestry. The most important of these acts and Executive Orders are described in this Appendix. Exerpts from specific statutes are included (Adapted from Newell et al. 1986).

Act of May 28, 1930, 4 Stat. 411, - Indian Removal Act

Authorized the president to exchange lands west of the Mississippi for those of Indian tribes in any state or territory. Enabled President Jackson to negotiate removal treaties with the Southeast tribes.

Act of September 4, 1841 - Preemption Act

Allowed settlement of unsurveyed lands, permitting the settler to later purchase the land from the government at \$1.25 per acre after the survey was completed, up to 160 acres. Preemptors had to inhabit and improve the land and swear that the land was being used for their own exclusive use and benefit.

1851 Klamath River Peace Treaty

Treaty made at Camp Klamath, at the junction of the Klamath and Trinity Rivers, between Redick McKee, Indian Agent, and the tribes of the Pohlik, or Lower Klamath. Signed by leaders from the Weitchpec, Waseeck, Cappell, Moreck, Pecwan, and Surgone tribes, as well as Hupa and Karuk representatives. In return for recognizing and agreeing to keep the peace under the protection of the U.S. government, a reservation was to be set aside and the Indians would get some help relocating. Tribes requested to stay in their traditional territories.

Executive Order of 1855

Established the Klamath River Reservation by executive order of President Franklin Pierce. Set aside 25,000 acres, a two mile swath running approximately 20 miles up the lower Klamath river as reservation for local Indians.

1862 Homestead Act

Authorized any person who was head of household or over 21 and a citizen or intended to become one, to claim not more than 160 acres of unappropriated land subject to preemption and sale at a minimum price of \$1.25 per acre, or not more than 80 acres subject to sale at a minimum price of \$2.50 per acre. Free patent

could be obtained with proof that the settler had resided on or cultivated the land for five continuous years.

Executive Order, June 23, 1876

Established the Hoopa Valley Reservation for sixteen local area tribes and bands, including Yurok and Karuk people. Stipulations based on treaty with Hupa signed on August 21, 1864 that was never ratified.

Acts of March 3, 1875, 18 Stat. 420, and July 4, 1884, 23 Stat. 96 - Indian Homestead Acts

Extended the Homestead Act to Indians upon relinquishing tribal ties. Indians did not need to pay the usual fees.

Act of June 3, 1878 - Free Timber Act

Gave settlers of nine western states and territories the right to cut timber at will on mineral lands for domestic and mining purposes.

Act of June 3, 1878 - Timber and Stone Act

Settlers in California, Oregon, Nevada and Washington Territory could get a timber lot to be used in conjunction with homesteads. It was to apply to unoccupied, unimproved, surveyed, non-mineral land unfit for cultivation with a maximum of 160 acres per person. Widely abused, particularly to obtain redwood forests for lumber companies in the 1880's.

Act of March 3, 1883, 22 Stat. 582

Provided that the proceeds of timber sales should go into the treasury for the benefit of the members of the tribe.

Act of February 8, 1887, 24 Stat. 388-391 - General Allotment (Dawes) Act

Provided for the allotment of lands in severalty to Indians on reservations, awarding citizenship at the same time. Land was to be held in trust by the U.S. government for 25 years, then fee patented (i.e. become private property). Allotted by the President of the United States, tracts of lands were often made on forested lands despite the orientation of the Act to crop and grazing lands.

Act of June 4, 1888, 25 Stat. 166

Provided penalties of not more than five hundred dollars or a year in prison or both for timber depredations on reservations.

Act of February 16, 1889, 25 Stat. 673, 25 U.S.C. 196 - Dead and Down Timber Act

Under Presidential discretion, the disposal of dead and fallen timber was authorized, provided the timber had not been intentionally injured or killed. The sale of this timber was for the sole benefit of Indians residing on the reservation.
Act of February 28, 1891, 26 Stat. 794 - Amendment to the General Allotment Act

Allowed pro-rating of acreage allotted based on acreage available, adjusted size and allocation of allotment to be 80 acres for every Indian, allowing wives to receive allotments. Also provided that the size could be doubled for grazing lands.

Executive Order of October 16, 1891 - Hoopa Valley Reservation Extension

Signed by President Harrison, extended the Hoopa Valley Reservation to the mouth of the Klamath river, creating the strip of reservation known as the connecting strip.

“It is hereby ordered that the limits of the Hoopa Valley Reservation, in the State of California, a reservation duly set apart for Indian purpose,...[is] hereby extended so as to include a tract of country 1 mile in width on each side of the Klamath River, and extending from the present limits of the said Hoopa Valley Reservation to the Pacific Ocean; Provided, however, that any tract or tracts included within the above-described boundaries to which valid rights have been attached under the laws of the United States are hereby excluded from the reservation as hereby extended.”

Act of June 17, 1892, 27 Stat. 52 - Allotment and Disposal of Klamath Reservation

Provided for allotment of the Klamath River Reservation and returned unallotted lands to public domain.

Act of May 8, 1906, 43 Stat. 182 - Burke Act

Deferred citizenship to the end of the trust period for all future allotments. Authorized the Secretary to issue fee patents whenever allottee was deemed competent, and to the heirs of an Indian who died before the end of the trust period. The allotment of an allottee who died before the end of the trust period could also be sold and a fee patent issued directly to the purchaser if heirs were unable to use it. Allowed the extension of the trust period for Indians not found competent.

Act of March 1, 1907, 34 Stat. 1015, 1018

Authorized the sale of restricted lands of non competent Indians under rules to be prescribed by the Secretary of the Interior, with the proceeds used to benefit the seller. Any conveyance approved by the Secretary of the Interior conveyed full title to the land or interest so sold, the same as if a fee-simple patent had been issued to the allottee.

Act of March 3, 1909, 35 Stat. 783 - Indian Appropriations Act

Provided for the first direct appropriation of funds for Indian forestry. The act authorized the expenditure of \$100,000 for forestry.

Act of June 25, 1910, Sections 1, 7 and 8, 36 Stat. 857, 25 U.S.C. 407

Section 1 states that the Secretary of the Interior will make a final judgment of the legal heirs of allottees dying during the trust period who do not leave a will. If the heirs are competent to manage their own affairs, a fee patent will be issued. If heirs are incompetent, the lands may be sold, with the proceeds held in trust for the incompetent heirs. Allottees could relinquish their lands to unallotted children before death at the discretion of the Secretary of the Interior, and the lands would remain in trust.

Section 7 authorized the sale of mature living and dead and down timber on unallotted lands of Indian reservations (with the exception of the states of Minnesota and Wisconsin). The proceeds from such sales were to be used for the benefit of Indians as directed by the Secretary of the Interior.

Section 8, authorized the sale of timber on trust allotments with the consent of the Secretary of the Interior. Proceeds from such sales were paid to the allottee or disposed of for his benefit by the Secretary of the Interior.

Declaration of Policy, April 17, 1917

Policy statement under Commissioner Cato Sells to discontinue the government's guardianship role by liberalizing methods of determining competency to force Indians to take full control of their allotments.

Act of February 14, 1920, 41 Stat. 415; 25 U.S.C. 413

Authorized the collection of fees to cover the cost of timber sales on Indian reservations.

Act of September 20, 1922, 42 Stat. 857, 16 U.S.C. 594

Authorized the Secretary of the Interior to protect and preserve the timber on Indian reservations from fire, disease, and insects.

Act of June 7, 1924, 43 Stat. 653-654 as amended, 16 U.S.C. 568 - Clarke-McNary Act

Authorized the use of Federal funds in cooperative fire prevention and suppression programs between Federal, State, and private agencies.

Act of March 1, 1933, 47 Stat. 1417, 25 U.S.C. 413

Amended the act of February 14, 1920, authorizing the collection of fees for work done for the benefit of Indians. The Secretary of the Interior was authorized to charge a reasonable fee for work performed for Indian tribes or individual Indians.

Act of June 18, 1934, 48 Stat. 984-988, 25 U.S.C. 466 - Indian Reorganization (Wheeler-Howard) Act

Stopped the allotment of Indian lands, extended the trust period for allotments indefinitely, rescinded authority to sell surplus lands and facilitation of sales of allotted lands, encouraged organization of federally recognized tribal governments.

Section 6 authorized the Secretary of the Interior to establish rules and regulations for the operation and management of Indian forestry units, based on the principle of sustained yield management.

Act of April 26, 1940, 54 Stat. 168-169, 16 U.S.C. 594a - White Pine Blister Rust Protection Act

At the discretion of the Secretary of Agriculture, forest protection from white pine blister rust was authorized. Funds were allocated for forest protection on Indian lands. This act was repealed by the Cooperative Forestry Assistance Act of 1978.

Act of March 29, 1944, 58 Stat. 132-135, 16 U.S.C. 583

Authorized cooperative, sustained yield, forest management. The Secretaries of the Interior and Agriculture could establish cooperative sustained yield units, consisting of Federally owned and administered forests, which could be the subject of cooperative agreements with private landowners.

Act of June 25, 1947, 61 Stat. 177-178, 16 U.S.C. 594-1 through 594-5

Authorized the protection of forests against destructive insects and diseases, and provided funding for such purposes. This act was repealed by the Cooperative Forestry Assistance Act of 1978.

Act of June 25, 1948, 62 Stat. 787, 18 U.S.C. 1853; 62 Stat. 788, 18 U.S.C. 1855-1856; 62 Stat. 759

18 U.S.C. 1853: Provided penalties for unlawful cutting, wanton injuries or destruction of any trees growing or standing upon Indian lands.

18 U.S.C. 1855: Provided penalties for willfully and without authority setting fires to timber grass or underbrush on Indian lands.

18 U.S.C. 1856: Provided penalties for fires left unattended or unextinguished on Indian lands.

House Concurrent Resolution 108, August 1, 1953, 67 Stat. B132

Included the recommendation that all Indian tribes and individual members thereof should be freed from Federal supervision and control, and should become subject to the same laws, privileges, and responsibilities as other U.S. citizens. It further declared that the Secretary of the Interior should examine all existing legislation and treaties dealing with such Indians, and report to Congress his recommendations on such legislation, to accomplish the purposes of this resolution. Resulted in the “termination” of several reservations.

Public Law 280, August 15, 1953, 67 Stat. 588-90

Extended state jurisdiction over criminal offenses and civil cases committed by or against Indians in Indian country. Applied only to the states of California, Minnesota, Nebraska, Oregon, and Wisconsin.

Act of July 30, 1956, 70 Stat. 721-722, 25 U.S.C. 407d

Authorized the Secretary of the Interior to charge for special services requested by the purchasers in connection with scaling, timber marking, or other activities under the contract of purchase that are beyond the services otherwise provided by the Secretary.

Act of April 30, 1964, 78 Stat. 186-187, 25 U.S.C. 406-407

An amendment of the Act of June 25, 1910, with respect to the sale of timber of Indian lands. Sections 7 and 8 were amended to include principles of sustained yield or conversion of land to more desirable use, as prescribed by the Secretary of the Interior. Section 8 included a provision for the deduction of administrative expenses for timber sold from allotments held under trust. Resolved questions about consent of allotment owners by requiring consent of a majority rather than all of the trust owners as called for in a 1958 court decision. Fee owners can request that the BIA manage sale of fee interest.

Act of 1969, 83 Stat. 852-856, Public Law 91-190 - National Environmental Policy Act

Requires Federal agencies, including the BIA, to consider the effects of their undertakings on natural and cultural resources.

Act of 1971, 85 Stat. 688, Public Law 92-203 - Alaska Native Claims Settlement Act

Provided for the settlement of certain land claims of Alaska Natives. The act revoked reservations and Indian allotment authority in Alaska. Under this act, the role of the BIA and its Branch of Forestry were diminished.

Act of 1975; 88 Stat. 2203-2217, Public Law 93-638 - Indian Self-Determination and Education Assistance Act

Provides for: (1) maximum Indian participation in the government and education of Indian people; (2) full participation of Indian tribes in programs and services for Indians conducted by the Federal Government; (3) encouraged the development of Indian human resources; (4) educational assistance; (5) rights of Indian citizens to control their own resources.

Act of July 1, 1978, 92 Stat. 365, 16 U.S.C. 2101, Public Law 95-313 - Cooperative Forestry Assistance Act

Authorizes the Secretary of Agriculture to provide technical assistance to non-Federal, private forests. Indian forests are specifically designated to be included in the act.

Jessie Short case, filed March 23, 1963 (Jessie Short, et al. vs. U.S., 486 F. 2d 561, 1974)

More than 3,000 non-Hoopa sued the federal government in the U.S. Court of Claims, saying all local Indians had equal rights to profits generated from the Hoopa Valley Reservation. Ten years later, the Court of Claims sided with the plaintiffs, finding that the reservation of 1864 and its enlargement in 1891 formed a single, integrated reservation, in which all Indians of the area received equal rights in common. The BIA established a timber profit escrow account based on the number of Yurok vs. Hupa people but no funds were paid to the plaintiffs pending identification of Yurok tribal membership. The BIA continued to use the Hoopa Valley Tribal Business Council to manage the timber and its profits until 1978, when the BIA took control of management of reservation assets on behalf of both tribes.

U.S. vs. Puzz, case of April, 1988, no. C-80-2908

Believing that becoming an organized tribe might preclude participation in the governing of the Hoopa Valley Reservation, the Yurok refused to form a separate tribal roll and participate in various "joint-management" schemes. The resultant continued withholding of funds from the escrow account led to this case. The U.S. District Court for the Northern District of California found that the federal government had breached its trust responsibility to the majority of the Indians of the reservation by permitting one tribe to have exclusive jurisdiction over the reservation and its resources to the exclusion of the other Tribes. The Court ordered the federal government to establish a policy whereby the reservation would be managed by all of the Indians of the reservation, for the benefit of all of the Indians of the reservation.

Act of October 31, 1988, 102 Stat. 2924 - Hoopa-Yurok Settlement

Bill sponsored by Doug Bosco, Representative from Northern California, overturns court decisions of Short and Puzs cases. Partitions reservation lands between the Hoopa Valley Tribe and the Yurok Indians, creating a Yurok Reservation from the Hoopa Extension lands defined by the Executive Order of October 16, 1891, but excluding the Resighini Rancheria. All National Forest lands within the boundaries of the reservation and 14 acres of the Yurok Experimental Forest become part of the tribal trust. Authorizes the expenditure of not less than 5 million dollars from the escrow fund created by the Short cases for land acquisition. Directs the tribe to form a tribal council to handle reservation responsibilities, establishes a tribal roll and criteria for sharing in the proceeds of the decision. Persons eligible by criteria of Short cases who elect not to pursue tribal membership are entitled to a lump sum payment of \$15,000.00.

APPENDIX II

YUROK TIMELINE:

- 1849: Gold Rush; miners enter the area.
- 1851: Treaty with tribes of Lower Klamath, never ratified by Congress.
- 1855: Klamath River Reservation for local Indians created by President via Executive Order, one mile on each side of river for twenty miles from ocean. Includes about 25,000 acres.
- 1857: Fort Terwer established on Terwer Creek to keep the peace between Indians and growing numbers of miners and traders.
- 1864: Hoopa Valley Reservation created for Hupa and nearby tribes via Executive Order.
- 1864: Floods wipe out Fort Terwer, many Indians relocated to Smith River Reservation to the north, eventually trickle back.
- 1870s: Squatters on lower Klamath river argue that the reservation is abandoned and no longer exists, military sent in 1878 to remove them. Redwood timber near coast and river is becoming more valuable.
- 1887: General Allotment Act or Dawes Act passes, stipulates that male Indians should be given 160 acres of crop land (or twice that for grazing) held in trust for them as individuals for 25 years. Eventually amended to include all men, women and children. Allotted Native Americans received citizenship, farm implements, and encouragement to adopt farming as a livelihood. Nationwide not all reservation land allotted for various reasons, notably Hoopa Valley. Some did adopt farming, but over time Indians lost about 2/3 of land, 90 million acres nationwide: tax foreclosures, real estate fraud, need for cash. Remaining lands are checkerboarded, little fragments: private land (fee land), trust land of families, tribal lands. Difficult to do any planning, economic development projects, etc.]
- 1891: Hoopa Extension Reservation created, stipulates that Hoopa Valley Reservation is to be extended along the Klamath, one mile on either side, to the sea, excluding land subject to prior claims. Homesteaders on the strip between the Klamath River Reservation and the Square are protected if they arrived before this date. Adds about another 27,000 acres to the reservation. Whether or not the Klamath River Reservation is excluded as a “prior claim” is debated through to the 1970s.
- 1892: Allotment of Klamath River Reservation authorized by Congress, land not allotted to be returned to the public domain. Under Dawes Act, excess land would be held for the tribe and its disposal negotiated by the tribe.
- 1893: Allotments are granted to 161 Indians on lower Klamath, at an average size of 60 acres and totaling 9,790 acres. Three village sites totaling 70 acres were set aside as reserves. The remaining 15,321 acres is returned to the public domain for disposal via homesteading, sale, etc.
- 1898: After surveying difficulties are resolved, the connecting strip is allotted out. 19,357 acres are allotted to 485 Indians, at an average size of 40 acres. 3,676 acres remained in tribal trust or village reserves.
- 1900: Over next few decades, fire suppression becomes institutionalized in federal policy and practice. Burning by Yurok discouraged.

- 1906: Burke Act permits early granting of fee-patents to allotments if Indians are found “competent,” and extends trust period for those that are not.
- 1917: Declaration of Policy by Commissioner of Indian Affairs Cato Sells. Says that goal is to discontinue government guardianship of Indians by liberalizing methods of determining competency to force Indians to “take full control” of allotments.
- 1919: A large number of allotments go out of trust along the Klamath. A competency commission had visited the reservation in late 1918 in anticipation of the end of the 25 year trust period for lower Klamath allotments. The commission drew up a list of Indians deemed competent to receive a fee patent to their land. Under the Burke Act land could be fee patented before expiration of the trust period if Indians were deemed competent, so many allotments granted in 1898 were also fee patented during this period. In general, any Indian who was half white or had an education was deemed competent and received a fee patent whether they wanted to or not. This was done to encourage the land’s productive use and to accelerate assimilation. Paying property taxes also was held to be an important part of being a full member of American society. Fee patented lands are private land and BIA has no role on them.
- 1925: Another large group of allotments taken out of trust. In 1924 instructions BIA-Washington sent instructions to then Superintendent Montsorf to draw up a list of competent Indians in anticipation of the expiration of the trust period for connecting strip allotments.
- 1920’s: The massive loss of Indian lands after fee patenting causes the BIA to slow down its removal of lands from trust. Subsistence farming dying out as way of life in California; Yurok watershed agriculture disappearing rapidly.
- 1934: Indian Reorganization Act or Indian New Deal. Brought CCC jobs, money for projects to the reservations, encouraged stability of land base. Yurok did not organize, probably largely because a democratic unifying government for the whole tribe was contrary to cultural traditions. Extended trust period for allotments indefinitely, stopped granting of new allotments. Rescinded authority to sell surplus lands. Encouraged sustained yield management of Indian Forests.
- 1953: House Concurrent Resolution 108 encourages the termination of Indian Reservations. Idea is to get Indians off reservations, make them a part of society, get government out of the Indian business. Government programs encourage people to move to the city, get urban jobs. Post-war timber prices are high, Douglas fir stands on strip become valuable for plywood. Many allotments sold, some say through crooked deals. People not discouraged from selling land along

Klamath during this period, and at least 60% of the lands taken out of trust during this period were sold directly to logging interests.

- 1960's: Federal Indian policy "Termination Era" comes to close, but bitterness and distrust remain.
- 1963: Jessie Short case and associated legal cases begin, arguing that use of Hoopa council to manage reservation unfair to other tribes, proceeds from harvest in Hoopa Valley should be split among all Indians of the reservation. BIA tries to get Yurok to organize and do co-management with Hupa council, Yurok feel one council should represent all. Timber proceeds put in trust account until settled. Courts generally side with Yurok (see Appendix I).
- 1975: Indian Self-Determination and Education Assistant Act: provides for maximum Indian participation in programs and services of federal government for Indians and the government and education of Indian people. It encourages the development of Indian human resources, educational assistance, and rights of Indian citizens to control their own resources.
- 1987: Amendments set stage for Self-Governance Demonstration project--tribes have 100 percent control, about 30 tribes now participating including Hupa.
- 1988: Hoopa-Yurok Settlement Act partitions the reservation into Yurok Reservation and Hoopa Valley Reservation. Yurok must organize in order to get trust funds and manage reservation. Finally settled the fact that the extension of the Hoopa Reservation included the Klamath River Reservation. Will get funding for land acquisition, etc. from trust account, lump sum payments to qualified people who decline tribal membership (see Appendix I).
- 1994: The Yurok become a recognized tribe and take over management of the fishery from the U.S. Fish and Wildlife Service (1993 was the lowest Salmon run ever). There are approximately 3,400 acres of unallotted trust land, 350 acres of village reserves, and 1,900 acres of trust allotments left on the reservation.

Bibliography

- Aldrich, F. 1939. *Ancient Legends of the California Indians of the Redwood Empire*. Orrick, CA: authors.
- Anderson, G. 1956. *The Hoopa Valley Indian Reservation in Northwestern California: A Study of its Origins*. Arcata, CA: Humboldt State University, MS Thesis.
- Arnold, M. E., and M. Reed. 1957. *In the Land of the Grasshopper Song*. New York, NY: Vantage Press.
- Baker, B. 1967. *Americans in Bondage: California's dark history of Indian slavery and extermination and the continuing oppression of Klamath River - Yurok Indian*. Santa Rosa, CA.
- Baumhoff, M. A. 1963. Ecological determinants of aboriginal California populations. *University of California Publications in American Archaeology and Ethnology* 49 (2): 155-236.
- Beals, R. L., and J. A. Hester. 1974. *Indian Land Use and Occupancy in California: Six Volumes*. New York: Garland Press.
- Bearss, E. 1981. *History, Basic data, Redwood National Park, Del Norte County and Humboldt County*. Denver, CO.: U.S. Dept. of the Interior, National Park Service, Denver Service Center.
- Bearss, E. C. 1981. *History resource study, Hoopa-Yurok fisheries suite, Hoopa Valley Indian Reservation, Del Norte, and Humboldt counties, California. Prepared for the National Park Service*. unpublished report: National Park Service.
- Blackburn, T., and K. Anderson. 1993. Introduction: managing the domesticated environment. *In Before the Wilderness: Environmental Management by Native Californians*. eds. T. Blackburn, and K. Anderson, Menlo Park, CA: Ballena Press.
- Blake, C. 1983. The Bald Mountain House. *In Golden adventures from the Humboldt Historian: more chapters of history as written by members of the Humboldt Co. Historical Society, c1883*. ed A. Genzoli, Eureka, CA: Humboldt County Historical Society 12-20.
- Bledsoe, A. J. 1881. *History of Del Norte County: with a business directory and traveler's guide*. Eureka, CA: Wyman and Co.
- Buckley, T. 1977. Structure and Meaning of Yurok World View: an exploration in religious epistemology. Ph.D. diss., University of California, Berkeley, CA.

- Burke Act. 1906. Ch. 2348 34 Stat. 182 (24 U.S.C. sec. 349): U.S. Congress.
- Childs, J. L. 1894. *Del Norte County, As it is, giving its history, growth, wealth and attractions, embracing a political, physical, social and financial history from its settlement to the present year, 1894*. Crescent City: Crescent City News.
- Clark, W. B. 1970. *Gold Districts of California*. Sacramento, Ca: California Division of Mines and Geology, Bulletin 193.
- Cook, S. F. 1956. The aboriginal population of the North Coast of California. *Anthropological Records* 16: 81-130.
- Davis, B., and M. Hendry. *Plants and the people: the ethnobotany of the Karuk tribe*. Yreka, CA: Siskiyou County Museum, Museum Series #5.
- Davis, S. E. 1992. Tribal rights, tribal wrongs. *The Nation* March 23: 376-380.
- Driver, H. E. 1939. Northwest California. *Anthropological Records* 1 (6): 297-433.
- Eargle, D. H. J. 1992. *California Indian Country: The Land and the People*. San Francisco, CA: Trees Company Press.
- . 1986. *The Earth is our Mother: A guide to the Indians of California: their locales and sacred sites*. San Francisco, CA: Trees Company Press.
- Elliot, W. W. 1882. *History of Humboldt County, California, with Illustrations*. San Francisco, CA: Wallace and Co.
- Elmendorf, W. W. 1960. *The structure of Twana culture with comparative notes on the structure of Yurok culture by A.L. Kroeber*. Pullman, WA: Washington State University Research Studies: monographic supplement no. 2.
- Erikson, E. H. 1943. *Observations on the Yurok: childhood and world image*. Berkeley: University of California Press publications in American archaeology and ethnology v. 35 no. 10.
- Fortmann, L., and S. K. Fairfax. 1989. American forestry professionalism in the third world. *Natural Resources Journal*
- Fritz, E. 1931. The role of fire in the redwood region. *Journal of Forestry* 29: 939-950.
- Gates, T. 1993. *Yurok Aboriginal Territory*. Eureka, CA: unpublished map, dissertation, Humboldt State University.
- Gendar, J. Report on panel discussions and workshops in California Indian Basketweavers Gathering Special Supplement. *News from Native California*, 6, 1:15-36.

- Genzoli, A. 1983. Nicholas Tompkins: A landmark pioneer. *In Golden adventures from the Humboldt Historian: more chapters of history as writted by members of the Humboldt Co. Historical Society, c1983.* ed A. Genzoli, Eureka, CA: Humboldt County Historical Society, 12-20.
- Goddard, P. E. 1903. *Life and culture of the Hupa Vol. I.* Berkeley, CA: University of California Press.
- Gould, R. A. 1972.
- . 1980. *Living Archeology.* Cambridge, UK: Cambridge Press.
- Graves, C. S. 1929. *Lore and legends of the Klamath River Indians.* Yreka, CA: Press of the Times.
- Hailstone, V. Letter to pers. comm. cited in Peri and Patterson, 1993 [cited herein].
- Hamilton, L. S., ed. 1993. Ethics, religion, and biodiversity. 218 Cambridge, UK: The White Horse Press.
- Harrington, J. P. 1932. *Tobacco among the Karuk Indians of California.* Washington, U.C.: U.S. Government Printing Office Bulletin of the Smithsonia Insitution Bureau of American Ethnology.
- Harris, R. R., G. Blomstrom, and G. Nakamura. 1995. *Tribal self-governance and forest management at the Hoopa Valley Indian Reservation, Humboldt County, CA.* American Indian Culture and Research Journal 19: 1-38.
- Heffner, K. 1986. *Contemporary-historic Yurok ethnographic data for the proposed Simpson Timber company land exchange with Six Rivers National Forest in Klamath, CA.* Eureka, CA: Six Rivers National Forest.
- . 1984. *Following the smoke, contemporary plant procurement by the Indians of Northern California.* Eureka, CA: Six Rivers National Forest.
- Heizer, R. F., and A. B. Elsasser. 1980. *The natural world of the California Indians.* Berkeley, CA: University of California Press.
- Heizer, R. F., and J. E. Mills. 1991. *The Four Ages of Tsurai.* Trinidad, CA: Trinidad Museum Society [U.C. Press].
- Heizer, R. F., and M. A. Whipple. 1951. *The California Indians: A Source Book.* Berkeley, CA: University of California Press.
- Hena, J. 1973. Letter to Associate Solicitor, Indian Affairs.
- Holt, C. 1946. Shasta Ethnography. *Anthropological Records* 3 (4): 299-349.

Hunter, J. E. 1988. Prescribed burning for cultural resources. *Fire management notes* 4 (2):

Indian Forest Management Assessment Team for the Intertribal Timber Council (IFMAT). 1993. *An assessment of Indian forests and forest management in the United States*. Portland Oregon: Intertribal Timber Council.

Irvine, L. H. 1915. *Humboldt County, California, with biographical sketches of the leading men and women of the county who have been identified with its growth and development from the early days to the present*. Los Angeles, CA: Historic Record Co.

Jackson, C. E., and M. J. Galli. 1977. *A history of the Bureau of Indian Affairs and its activities among Indians*. San Francisco: R & E Research Associates.

Jim, N. 1992. Tribal sovereignty implications under the [Endangered Species] act. IN Native American Forest Resource Management--A Vision for the Future, Albuquerque, New Mexico, 6 April. Portland, OR: Intertribal Timber Council, 310-314.

Keeling, R. *Songs of the Brush Dance and their basis in oral, expressive magic: music and culture of the Yurok, Hoopa and Karok Indians of northwest California*.

Keter, T. 1993. *A model of the historic environment for the north Fork of the Eel River Basin, Trinity and Mendocino Counties, California*. Eureka, CA: Six Rivers National Forest.

King, W., and Associates. 1976. *Bureau of Indian Affairs management study : section 2 study provision : report on BIA management practices to the American Indian Policy Review Commission*. Washington, D.C.: U.S. Government Print Office.

Kinney, J. P. 1937. *Continent Lost--Civilization Won: Indian Land Tenure in America*. Baltimore: Johns Hopkins Press.

---. 1950. *Indian Forest and Range*. Washington, D.C.: Forestry Enterprises.

Kroeber, A. L. 1925. *Handbook of the Indians of California*. Washington, D.C.: Smithsonian Institution, U.S. Bureau of American Ethnology, Bulletin 78.

Kroeber, A. 1976. *Yurok Myths*. Berkeley, CA: University of California Press.

Kroeber, A. L. 1926. Law of the Yurok Indians. *International Congress of Americanists, Proceedings* 22 (2): 511-516.

---. 1934. Yurok and neighboring kin term systems. *University of California Publications in American Archaeology and Ethnology* 35: 15-22.

- Kroeber, A. L., and S. A. Barrett. 1960. Fishing among the Indians of Northwestern California. *Anthropological Records* 21 (1): 1-210.
- Kroeber, A. L., and E. W. Gifford. 1949. World renewal: a cult system of native Northwest California. *anthropological records* 13: 1-155.
- LaValley, R. 1993. *Wildlife Surveys: Yurok Reservation Lands, Final Report to BIA*. McKinleyville, CA: Mad River Biologists.
- Lewis, H. T. 1993. Patterns of Indian burning in California: ecology and ethnohistory. *In Before the Wilderness: Environmental Management by Native Californians*. eds. T. Blackburn, and K. Anderson, Menlo Park, CA: Ballena Press, 27-55..
- Lindgren, A. 1991. Introduction. *In The Four Ages of Tsurai: a Documentary History of the Village on Trinidad Bay*. R. F. Heizer, and J. E. Mills, Trinidad, CA: Trinidad Museum Society [University of California Press].
- McBeth, F. T. 1950. *Lower Klamath Country*. Berkeley, CA: Anchor Press.
- McCaffrey, S. 1994. *Policy affecting Native American use of cultural resources*. Berkeley, CA: unpublished class paper, University of California.
- McDonald, J. A. 1979. *Cultural resource overview*. Yreka: Klamath National Forest, unpublished report.
- McDonnell, J. A. 1991. *The Dispossession of the American Indian, 1887-1934*. Indianapolis, IN: Indiana University Press.
- Merriam, H. C. *Ethnographic notes on California Indian Tribes*. ed R. F. Heizer. University of California Archaeological Research Facility, Berkeley, CA.
- Merrill, R. E. 1923. Plants used in basketry by California Indians. *American Archeological Ethnography* 2 (13):
- Morris, G. 1992. A land divided: Yurok land allotment. *News from Native California* Special supplement (Spring): 24-27.
- Murphree, M. W. 1993. Communities as resource management institutions. Sustainable Agriculture Program of the International Institute for Environment and Development, Gatekeeper Series No. 36, London, UK.
- Murphy, E. V. A. 1959. *Inidan uses of native plants*. Ft. Bragg, CA: Medocino Historical Society.
- Newell, A. S., R. L. Clow, and R. N. Ellis. 1986. *A forest in trust: three quarters of a century of Inidan forestry 1910-1986*. Washington, D.C.: Litigation Support Services/Historical Research Associates, Missoula MT.

- O'Neale, L. M. 1932. *Yurok - Karok Basket Weavers*. UCFAAE 32:1-184.
- O'Neale, L. M. 1932. Yurok-Karok basketweavers. *American Archeology and Ethnography* 23 (1):
- Oswalt, W. 1973. *The Yurok: Salmon Fisherman of California. In This Land Was Theirs*. San Francisco: Chandler.
- Peri, D. W., and S. M. Patterson. 1993. The basket is in the roots, that's where it begins. *In Before the Wilderness: Environmental Management by Native Californians*. eds. T. Blackburn, and K. Anderson, Menlo Park, CA: Ballena Press.
- Pilling, A. R. 1978. *Yurok. In Handbook of North American Indians* 8. Washington, D.C.: Smithsonian Institution. U.S. Government Printing Office.
- Pilling, A. A. 1967. *Yurok systems of social stratification*. Vancouver, Canada.: Collected papers of the 1967 conference on Northwest Coast Studies.
- Plummer, M. 1992. Tribal sovereignty implications under the [Endangered Species] act. *In Native American Forest Resource Management--A Vision for the Future*, Albuquerque, New Mexico, 6 April. Portland, OR: Intertribal Timber Council, 307-309.
- Powers, S. 1872. The Northern California Indians (The Euroc and Cahroc). *Overland Monthly* 8: 425-435.
- Prucha, F. P. 1984. *The Great Father*. Lincoln, NE: University of Nebraska Press.
- Pyne, S. J. 1982. *Fire in America: a cultural history of wildland and rural fire*. Princeton, N.J.: Princeton University Press.
- Ripke, M. G. 1962. Acting Area Director, BIA. *Letter to Bureau of Indian Affairs Commissioner*.
- Roberts, W. T., G. Egan-McKenna, D. C. White, and M. T. Roberts. 1983. *Indian land and forest resources: an issue of trust: a forest history of the Hoopa Valley Indian Reservoir of Northwestern California*. USDI-Bureau of Indian Affairs, Sacramento, CA.
- Roberts, W. T., L. D. Mason, and G. Egan-McKenna. 1982. *Anthropological study of Hupa, Yurok, and Karok Indian Tribes of Northwestern California--Final Report*. Denver, CO: American Indian Technical Services, Inc. Prepared for the BIA.
- Robins, R. H. 1989. *The Yurok Language, Grammar, Texts, Lexicon*. Berkeley, CA: California Indian Library Collections Project.

- Rowley, M. C. 1983. The story of graveyard prairie (1864). In *Golden adventures from the Humboldt Historian: more chapters of history as writted by members of the Humboldt Co. Historical Society, c1983.* ed A. Genzoli, Eureka, CA: Humboldt County Historical Society, 24-30.
- Roy, D. F., and K. N. Boe. 1958. *Guide to Yurok Redwood Experimental Forest.* U.S. Forest Service in cooperation with Simpson Redwood Company:
- Savage, C. E. 1991. *Six Rivers National Forest: A contextual cultural reosurce chornology of events on or near forest lands.*, Eureka, CA: unpub. report.
- Schenk, S. M., and E. W. Gifford. 1952. Karok Ethnobotany. *Anthropological Records* 13 (6): 377-392.
- Schimmel, J. 1991. Inventing the Indian. In *The West as America: Reinterpreting Images of the Frontier, 1820-1920.* ed. W. H. Truettner, Washington, D.C.: Smithsonian Institution Press, 109-199.
- Sheehan, B. 1973. *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian.* Chapell Hill, NC: University of North Carolina Press.
- Smith, E. R. 1953. *The history of Del Norte County, California, including the story of its pioneers with many of their personal narratives.* Oakland: Holmes Book Co.
- Snipp, C. M. 1992. American Indians today. in National Rural Studies Committee Conference, ed. E. N. Castle, and B. Bladwin, Las Vegas, NM, 14 May. Corvallis, OR: Western rural development center.
1977. *Songs of Love, Luck, Animals and Magic: music of the Yurok and Tolowa Indians.* New World Records recorded anthology of American music NW 297.
- Spott, R., and A. L. Kroeber. 1942. Yurok Narratives. *University of California at Berkeley Publications in American Archæology and Ethnology* 35 (9): 143-256.
- Stark, R. 1981. *Guide to Indian herbs.*
- Sundberg, J., and B. Drake. 1980. *Consulations with American Indian consultants in regard to the Six Rivers National Forest Land and Resource Management Plan, prepared for the Northwest Indian Cemetary Protective Assoc., Inc.* U.S. Forest Service, Six Rivers National Forest, Eureka California.
- Sutton, I. 1975. *Indian Land Tenure: Bibliographical Essays and a Guide to the Literature.*, New York and Paris: Clearwater Publishing Company, Inc., 290 pages.
- , editor. 1985. *Irredeemable America: The Indians' Estate and Land Claims.*, Albuquerque: University of New Mexico Press, 421 pages..

- . January 1970. Land Tenure in the West: Continuity and Change. *Journal of the West* 9 (1): 1-23.
- . 1991. The Political Geography of Indian Country: An Introduction. *American Indian Culture and Research Journal* 15 (2): 3-36.
- . 1967. Private Property in Land Among Reservation Indians in Southern California. *Yearbook of the Association of Pacific Coast Geographers* 29: 69-90.
- . April 1989. Pushed into the Rocks: Southern California Indian Land Tenure, 1769-1986, by Florence Connoly Shipek. *GR* 79 (2): 237-239.
- Swezey, S. L., and R. F. Heizer. 1977. Ritual Management of Salmonid Fish Resources in California. *Journal of California Anthropology* 4 (1): 6-30.
- Swezey, S. L., and R. L. Heizer. 1993. Ritual management of salmonid fish resources in California. In *Before the Wilderness: Environmental Management by Native Californians*. eds. T. Blackburn, and K. Anderson, Menlo Park, CA: Ballena Press.
- Taylor, T. W. 1984. *The Bureau of Indian Affairs*. Boulder, CO: Westview Press.
- Theodoratus, D. 1980. *Cultural/historical overview: Six Rivers National Forest*. Eureka, CA: Six Rivers National Forest.
- Theodoratus, D., J. L. Chartkoff, and K. K. Chartkoff. 1979. *Cultural resources of the Chimney Rock Section, Gasquet-Orleans Road, Six Rivers National Forest*. Eureka, CA: Six Rivers National Forest.
- Thompson, L. 1991 [1916]. *To the American Indian: reminiscences of a Yurok woman.*, Berkeley, CA: Heydey Books.
- Thurman B. White. 1992. Letter to Bureau of Indian Affairs.
- United States. General Accounting Office. 1975. *Indian natural resources - opportunities for improved management and increased productivity : part 1, Forest land, rangeland, and cropland: Bureau of Indian Affairs, Department of the Interior, report*. Washington, D.C.: General Accounting Office.
- United States. Congress. House. Committee on Government Operations. 1992. *Misplaced trust : the Bureau of Indian Affairs' mismanagement of the Indian Trust Fund: seventeenth report by the Committee on Government Operations*. Washington, D.C.: G.P.O. House Report.
- United States Congress House Select Committee on Interior and Insular Affairs. 1988. *Partitioning certain Indian reservation lands between the Hoopa Valley Tribe and the Yurok Indians to clarify use of timber proceeds and for other purposes*. Washington, D.C.:

- Vale, T. R. 1966. The Redwood National Park: A Conservation Controversy. Ph.D. diss., University of California, Berkeley, Department of Geography.
- Warburton, A. D., and Joseph F. Endert. 1966. *Indian Lore of the North California Coast*. Santa Clara, CA: Pacific Pueblo Press.
- Waterman, T. T. 1920. *Yurok Geography*. University of California Publications in American Archaeology and Ethnography 16(5):177-314.
- Waterman, T. T., and A. L. Kroeber. 1938. The Kepel fish dam. *University of California Publication in American Archaeology and Ethnology* 35: 49-80.
- White, T. B. 1991. Letter to California Department of Forestry and Fire Protection.
- Wiant, W. C., and D. Sheeders. 1975. *An archeological impact study of the proposed road widening project of forest highway 93 from Somes Bar to Forks of the Salmon, Siskiyou Co.* Sacramento, CA: California Archaeology Study Center of California State University, Sacramento.
- Yurok Tribe. October 1993. *Yurok News*. Eureka, CA: The Yurok Interim Council.
- . June 1994. *Yurok News*. Eureka, CA: The Yurok Interim Council.