



Presented by The Sierra Fund
November 8-9, 2010
Miners Foundry, Nevada City, California

WORKSHOP NOTES

CA Tribal Peoples Leading Cultural and Environmental Healing Great Hall, Tuesday November 9, 11:30am

Notes taken reflect the best effort to capture what was said in presentations and in the discussion time following. They are presented here in order to encourage further discussion about these matters. These notes do not necessarily reflect the views of The Sierra Fund staff, board or funders.

Steve Rothert of American Rivers facilitated this panel discussion and Don Ryberg, Chairman of the Tsi-Akim Maidu Tribe, Mark Franco, Headman of the Winnemem Wintu, and Steven Haberfeld of the Indian Dispute Resolution Service spoke.

Don Ryberg, Chairman of the Tsi-Akim Maidu Tribe welcomed conference and workshop participants with a traditional Maidu greeting. He encouraged tribal people and other Sierra community members to come together to discuss the problem of mercury and other toxins in the environment, and to honor and respect the land through ceremony. It is because this has not happened in the past that we find ourselves having to address the harm that mercury does to our bodies.

We must remember that the problem we face today is created both by the pioneers and settlers, as well as the government, which profited from the gold that was taken from the Sierra. That same government sponsored the termination of Indian people by paying for scalps. Both the Indian people and the land were devastated by the Gold Rush.

Today, the impacts on the environment and human health are real but invisible, just like federally unrecognized tribes are invisible. But both exist in the Sierra.

Starting some kind of cleanup and acknowledgement of the Indian people would not cost that much, but it doesn't happen because it is not important to the public. Because the government is an extension of the people.

Don and Mark Franco have been fighting the battle for a long time to raise awareness, and they are getting old. The Tsi-Akim Maidu have brought the issue of mercury in fish to tribes across the state—resulting in 26 tribes interested in the issue. This kind of work needs to be done to make progress with the environment and Indian peoples, but the tribes need financial and other support to make it happen.

Mark Franco, Headman of the Winnemem Wintu, began with a traditional story:

Big Wolf lived by himself and he needed some helpers. So the Creator told him to find six sticks that were good and true, and sand them down until they were smooth and straight, pray over them, and then leave them by the fire overnight. Big Wolf searched for the best sticks, and worked hard on them to get them smooth and straight. He prayed over them and left them by the fire overnight. In the morning he found six good hearted, helpful people. Coyote saw this—his is also a creator—and wanted to have helpers, but wanted to do it quicker. He found 12 sticks, but they were crooked to start out with. He sanded them a little and prayed over them and left them by the fire. The next morning he had 12 of the most obnoxious, irritating individuals to work with, and they caused him heartache ever after. This is because he didn't choose his sticks carefully, and he didn't work with them to make them something that would help him.

Environmental groups and tribes can help each other in their struggle. But sometimes, environmental groups are not selective about choosing their partners, and then the tribes end up having tough groups to work with.

We are all coming from communities that need our help, especially with the issue of historic mining toxins. We need to make sure that the people coming to help us clean things up are looking out for everyone's best interest, not just their own.

They brought us here today to talk about how mercury is affecting things and how we're working with community groups.

Tribal people and community organizers and community groups have the opportunity to work on projects that will do good for rivers. Rivers should have big fish in them. We need to educate government agencies, local state and federal, about the benefits of salmon to healthy rivers. We need to have salmon ceremonies. But we need to go a step beyond calling back the salmon. The dams are blocking the salmon. Like a tiny mole, we can start doing things that will lead to the dams coming down—for example, put a windmill on your house and make your own energy! The Winnemem believe that they have a voice because of the salmon, and so have a responsibility to speak for the salmon. So even though they have limited resources, they come to conferences like this and talk about what has to happen to fix the water. Community groups need to take on the same responsibility and speak for people who don't have a voice, and for people who can't afford to have a voice.

Tribal people are all for getting help from other people—but they want it as equal partners. Don't bring tribal people out and ask them to tell a story. You may be amused but you won't understand it, won't know what it means. Also, sometimes you may ask a tribal person about something and you may not hear the answer for a month or a week or a year. It is important to keep listening, and to see the whole thing through.

Steven Haberfeld, Ph.D., Indian Dispute Resolution Service, Inc. spoke about the presence of tribes in the Sierra and what they can bring to the discussion. There are 34 federally recognized tribes in Sierra—and as many or more non-recognized. Tribes have become more involved in politics over 20-25 years, interested in getting back into their historical role as stewards of the environment.

Currently, Sierra forests are in the process of revising their management plans. Steven is working with tribes to get involved in this process so they're part of the decision making equation. It is incumbent upon non-Indians to create space for tribes in decision making, but it's also incumbent upon tribes to use their leverage and traditional wisdom to influence these decisions. Today, tribes are more than ever able to assert themselves, more willing to engage, and get involved in developing their own economies. The influence of tribes will be more increasingly obvious.

Tribes have a unique perspective on natural resources, which is shared with conservation groups. Tribes are not restricted by artificial boundaries—they can look at resource issues at watershed scale. Tribes think long term—7th generation in future—which is a great distinction from how agencies often approach the environment. Tribes have been here for a long time and have local based wisdom of plants, climate, what works and doesn't.

Tribes today enjoy tremendous political leverage including traditional hunting, fishing, gathering and trapping rights. In other states have treaty rights (but not CA). By virtue of their separate nation status, tribes enjoy a government-to-government relationship with federal agencies. The federal government has a trust responsibility to protect and enhance tribal resources on ancestral lands (which include the whole Sierra) in coordination with tribes who have property rights to resources on that land.

IDRS working with national demonstration project on National Forest activities (in NM, OR, AZ and CA) using the tribal forest protection act as legal framework. This includes restoration projects on neighboring lands and helping broker relationships AND making money doing it.

Discussion and Questions

- Dam removal in the Klamath couldn't have been done without tribal engagement—and the effective use of the legal and organizing tools that were at their disposal. Once tribes (both federally recognized and not) got engaged, things really started moving forward.
- **What tools have you used in your issues that have been effective? Stories?**

- Tribes see the importance of negotiation (and the difference between consultation and negotiation). Negotiation requires a bilaterally, mutually respectful relationship. In the example of the Desert Protection Act, the Shoshone and others started a national alliance and network to recognize the tribal presence in national parks—in the end the federal government was very pleased with the process, but it took them a long time to stop just “consulting”
- We need to remember that federally unrecognized tribes are not accorded the same respect that the other ones are. In CA there are now 110 federally recognized tribes, and 200 unrecognized. There is a resolution that ALL tribes in CA should have a say on their ancestral lands. (106 Consultation) This allows unrecognized tribes to have a say on projects that occur on their ancestral lands. The public doesn’t distinguish between recognized and unrecognized in looking at tribal support of a project. But in the end, it’s still what the recognized tribe wants that gets accomplished.
- **How can the community get together with you [tribes] to learn what your needs are and what everything used to be before we came in and destroyed everything? How can we all make a connection?**
 - Get involved in the local tribe and support them—meaning, support events. Tribes do stuff with people they know—if you get to know me, I get to know you, we can get together and do a little healing and start supporting each other.

