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Public/Private Land Use Policies in Northern California and Native American Access to Gathering Sites

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Native California basket weavers are among the finest in the world, and their baskets command high prices when sold to collectors. The art of basket weaving is in danger of being lost, however, because elders of some tribes have been unable to pass on their skills as a result of declining access to the sites where the raw materials grow. Weavers also fear the detrimental effects on their health of the increasing use of pesticides and other chemicals in areas where they collect materials (California Indian Basketweavers Association 2001). Basket weaving is a unifying cultural element which facilitates the dissemination of environmental, horticultural, and artistic information through oral tradition, and its loss will impact both cultural well-being and community prosperity. The objective of this report is to describe examples of recent practices affecting gathering grounds on public and private lands in Northern California.

Not all Native Californian basket weavers sell their baskets, but weavers who do produce for the market can obtain high prices for baskets woven from traditionally collected materials. At a basket weavers' conference held in June 2000 in Reno, Nevada individual baskets sold for prices as high as \$6,000. Baskets made of traditional materials such as willow, redbud, and sedge root commanded the highest prices. The use of cordage, made by hand from dogbane (*Apocynum cannabinidum*), often used in items such as miniature cradleboards, adds value and the highest priced baskets often included a considerable amount of such cordage.

Gathering sites on Public Lands

Native Californian basket weavers develop a stewardship relationship with their gathering sites (Blackburn and Anderson 1993; Ack et al. 2001), and will often travel many miles to gather from a particular site (Wallace 2000; Cunningham-Summerfield 2000). Since many traditional sites are located on public lands or on lands not owned by Native Americans, the ability to gather materials can be heavily impacted by land use policies of state, federal, or local county agencies. Most agencies require a permit to gather which must be on file before a basket weaver may gather on public lands. Some agencies encourage interaction with Native American communities and allow regional administrators discretion in interpreting policies.

A sympathetic local agency can play an important role in alleviating problems for Native American weavers.

An example of such an approach can be seen in the Six Rivers National Forest in Northern California. In the past, the U.S. Forest Service often carried out prescribed burning within the National Forest using diesel fuel as an incendiary agent. As diesel burns, it leaves behind a residue that can coat nearby plants. Native Americans hold willow, redbud, and other basketry materials between their teeth as they split the twigs into basketry weft, and therefore can ingest this residue while preparing weaving materials. When approached by members of California Indian Basketweavers Association (CIBA) about the problem, Forestry Service personnel agreed to switch to propane, which does not leave a chemical residue, for future burns conducted within the forest.

A second example of a policy sympathetic to the concerns of Native American basket weavers can be found in Yosemite National Park. Park officials and staff are in the process of developing an official statement of policy that will set cooperative guidelines for weavers collecting their raw materials within the park. The current unofficial policy is that Native Americans can gather in the park if they make themselves known to the local park rangers. The administrative center for the park is located on federal land at El Portal, just outside the park boundary. Redbud (*Cercis occidentalis*), an important basketry material, grows in profusion at this location. The land at El Portal is managed by the U.S. Park Service, and is burned annually. This management practice encourages the growth of the long straight shoots required for baskets. The stands of redbud on this site are considered by local weavers to be of the best quality, and weavers often travel many miles to gather there (Bates 2000).

Gathering sites on Private Lands

Access to gathering sites located on private lands is much more problematic, as can be seen in a Sonoma County case in 1992, when access to basketry materials on private land was curtailed due to a change in ownership and zoning. A site between the town of Larkfield and the City of Santa Rosa had been used by Native Americans to gather dogbane (*Apocynum cannabinidum*) fibers since the late 1800s

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(Van Dyke 2000), but a change of zoning threatened the traditional use of this site.

The strength and durability of dogbane make it an important source of fiber for cordage used in Native American baskets, carrying nets, dresses, and straps, and its addition can add hundreds of dollars to the price of a basket. The plant usually grows in moist places such as marshes, along stream banks, or in hillside seeps (Mathewson 2000). It is highly prized and widely used by Native Americans throughout California. They will travel many miles to collect at a site that has good quality dogbane (Wallace 2000; Cunningham-Summerfield 2000). According to several informants, the Santa Rosa site had superior dogbane that possessed exceptionally long fibers and cordage of an unusual reddish brown color. It was known to gatherers living as far away as Oregon (Wallace 2000; Cunningham-Summerfield 2000; Mathewson 2000; Van Dyke 2000), who were often observed gathering dogbane after the first frost in the fall (Van Dyke 2000).

In February 1992 a notice was posted announcing a developer's intention of subdividing the land on which the dogbane grew. The property had been vacant for many years because when Highway 101 was built in the 1950s, it divided the land and cut off the part with the owner's residence on the west of the highway from the forty acre gathering site property on the east side. The owners then decided to sell the eastern portion, but were unable to subdivide the property as it was zoned as twenty-acre minimum agricultural land. A local developer agreed to try to subdivide the property and applied for re-zoning permission in the early 1990s.

A local resident, in cooperation with Native American groups, persuaded the Board of Supervisors to hold several public hearings in the hope of allaying concerns about the loss of the gathering site. The hearing process continued for four long years. At times, several groups of Native Americans attended, but on some of these occasions the developer asked for and received a continuance of the proceedings and/or the Native Americans were not allowed to speak. The developer offered concessions during the hearing process, including a one-third reduction in the number of proposed homes to be built on the land. The Sonoma County Agricultural and Open Space District became involved and offered to buy the development rights for the most concentrated area of dogbane, a twenty-seven acre site that would be used as mitigation for the land that was to be developed.

Eventually, the developer built forty houses on the land, and established a vineyard on twenty-four acres of the twenty-seven acres where dogbane grew. The vineyard was permitted because it preserved agricultural land in the community separator and therefore met the requirements for a zoning change. Only three acres of the

dogbane site were preserved in their original condition, with oversight of access in the hands of the Agricultural and Open Space District.

Installation of the vineyard impacted the drainage of the dogbane site. Plants were noticeably stunted in August 2000, with none over two feet tall. They were sparsely distributed across the three acres, when compared to photographs of the area taken in 1992. The Sonoma County Agricultural and Open Space District has fenced the site and people wishing to gather must now make application through the county office. Native Americans who have used the site in the past no longer gather there. Gatherers fear that the plants will not recover from harvesting at this time because they appear to be in shock. The gatherers are also afraid of contamination of the dogbane from pesticide runoff and over-spray of herbicides coming from the vineyard.

Conclusion

At a time of growing concern over the cultural impact of the Casino-based economy within Native American communities, traditional craft skills are one way Native American communities can protect their culture and maintain an alternative source of income. Many agencies appear to be sensitive to the cultural and economic needs of Native Americans for maintaining access to public lands as gathering places for their traditional raw materials. On private lands, however, rights of access have to be negotiated on a case-by-case basis. As the example illustrates, local decision-makers need to be alert to opportunities to handle these situations in a culturally sensitive manner. In some cases it may be possible to link environmental concerns such as wetland preservation with Native American cultural and economic concerns to preserve open space while maintaining traditional gathering sites.

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